

DIGEST OF CASES REPORTED IN

# THE SOLICITORS' JOURNAL & WEEKLY REPORTER.

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### ADMINISTRATION:—

*Proof—Insolvent debtor—Loan by wife to husband for purposes of his business—Annuity secured by bond substituted therefor—Right of bondholder to prove—Married Women's Property Act, 1882 (45 & 46 Vict. c. 75), s. 3.*—Where a married woman in 1900 lent her husband £1,000 for the purposes of his business, and in 1910 he gave her a bond for £2,000, reciting that he had lately agreed to sell her an annuity of £40 for her life for £1,000, which in pursuance of such agreement she had paid to him, and the husband paid the annuity regularly down to the time of his death, and after his death the wife assigned the bond for valuable consideration to a third party.

Held, that in the administration of the husband's estate, which was insolvent, the third party could prove for the value of the annuity, the giving of the bond being a totally new transaction, and the circumstances of the original transaction being immaterial, and that it did not come within section 3 of the Married Women's Property Act, 1882.

*Ex parte Sheil* (4 Ch. D. 789) and *Ex parte Taylor* (12 Ch. D. 366) applied.—RE SLADE, *Sargent, J.*, 668.

### AGRICULTURAL HOLDINGS ACT.—See Landlord and Tenant.

### ALIEN:—

*Alien—Naturalization in Australia under colonial statutes—Status in Great Britain—Naturalization Act, 1870 (33 Vict. c. 14), s. 16—Naturalization Act (Australia), 1903—British Nationality and Status of Aliens Act, 1914 (4 & 5 Geo. 5, c. 17), s. 27 (1).*—A natural born British subject is a British subject in all parts of the King's dominions. But an alien who has become naturalized as a British subject in a colony under a colonial statute, and afterwards goes to reside in Great Britain, is still an alien there by British law, even though he may, for the purpose of being naturalized, have taken an oath of allegiance to the King.

A German went to reside in Australia in 1878. In 1908 he took the oath of allegiance to the King, and was naturalized under the Australian Commonwealth Naturalization Act, 1903, and later in the same year came to England to reside here.

Held, that he was not entitled to a declaration that he was no alien in Great Britain, but a subject of the King.—MARKWALD v. ATTORNEY-GENERAL, C.A., 239; 1920, 1 Ch. 348.

### APPOINTMENT:—

*General power—Exercisable by deed with consent of the Trustee—Donor a person of unsound mind not so found—Subsequent recovery—Deed exercising power with consent of trustees to such persons as donor should by will or codicil appoint—Appointment by codicil—Validity.*—By a deed of settlement made in pursuance of a compromise approved by the Chancery Division and the Master in Lunacy, and to which A. B., a person of unsound mind not so found by inquisition and party by his receiver, the income of the settlement fund was to be paid to A. B. for life and after his death the fund was to be in trust for such person or persons as A. B., with the consent or concurrence of the trustees, or a majority of them, should by deed appoint. A. B. recovered, and executed a deed of appointment, with the consent or concurrence of the trustees, appointing to such persons as he should by will or codicil appoint, and afterwards executed a codicil to his will appointing this fund as therein mentioned.

Held, that the consent related merely to the exercise of the power, and not to the selection of the appointees, and accordingly it was good.—RE DILKE, *Peterson, J.*, 530.

2. *Special power of appointment—Fraud on power—Admissibility of evidence.*—Where a testatrix under a settlement had a general power to appoint a sum of money and a special power to appoint certain investments among blood relations, and purported to give the sum of money "the only part my money I can leave to

other than blood relations" to certain persons, and also directed the residue of her "money" to be divided equally among certain persons who were blood relations.

Held, that the will did exercise the special power.

Where a testatrix made a will in 1917, and in 1911 wrote a letter to her nephews stating that she had made an agreement with her brother and their father which dealt with the exercise of the power by her,

Held, that that letter was admissible in evidence to shew the state of mind of the testatrix, and her intention and purpose in making the appointment. Held, finally, the onus was on the persons who supported the appointment to shew that the testatrix had abandoned her improper motive at the time she made her will and accordingly the will was *pro tanto* a fraud on the power as far as the nephews were concerned.

*Humphrey v. Oliver* (28 L. J. Ch. 406) applied.—RE WRIGHT, *Lawrence, J.*, 21.

### APPROPRIATION:—

*Administration—Immediate legacy to infant on attaining twenty-one—Depreciation—Infant's rights.*—Where trustees were directed to sell, and after paying funeral and testamentary expenses and debts and legacies, and subject to the payment of the legacies out of the residue, to stand possessed of a sum not exceeding £1,700 in trust for A. B. on his attaining the age of twenty-one years, and they in fact on the death of the testator appropriated certain investments and purchased others to make up at the prices of the day the sum of £1,700, A. B. being at that time sixteen years of age, and the investments had since depreciated.

Held, under the terms of the will, that there was a discretion to appropriate £1,700, and that A. B., who had now attained twenty-one years of age, was only entitled to the investments so set aside and not to have the full £1,700 paid to him.

*Johnson v. Webster* (1854, 4 De G. M. & G. 474) applied.

*Re Hall* (1903, 2 Ch. 226) distinguished.—RE OSWALD, *Peterson, J.*, 242.

### ARBITRATION.—See Practice.

### BANKRUPTCY:—

1. *Fraudulent transfer—Act of bankruptcy—Receiving order—Subsequent sale by transferee—Bona fide purchaser for value—Claim by trustee in bankruptcy—Relation back to act of bankruptcy.*—Bankruptcy Act, 1914 (4 & 5 Geo. 5, c. 59), s. 37.—A debtor assigned certain furniture to a company by an act of bankruptcy, and within three months a petition was filed, and he was adjudicated bankrupt. After the receiving order the furniture was resold by the company to purchasers who resold ultimately to the A. H. banking company, all subsequent purchasers being *bona fide* without notice of the bankruptcy. The trustee of the debtor having intervened, and claimed the furniture or its value.

Held (Younger, L.J., dissenting), that the trustee was entitled under the doctrine of relation back to have all the bankrupt's property vested in him, and that the original transfer having been void, no subsequent purchaser for value even without notice could obtain a good title to the property sold.

*Per Younger, L.J.*—The transfer was not void, only voidable, and the doctrine of relation back ought not to be used to defeat the title of a *bona fide* transferee for value without notice.—RE GUNSBURG, C.A., 498.

2. *Receiving order—Rescission—Public examination—Insistence upon Official Receiver—Discretion of registrar—Bankruptcy Act, 1914 (4 & 5 Geo. 5, c. 59), ss. 15, 29, 108.*—The Registrar in Bankruptcy has a general discretion to rescind a receiving order where he is satisfied on the evidence before him that it ought not to have been made, and that there is money available for the payment of all the debts in full, and it is not a judicial exercise of

such discretion for him to hold that he is bound by the opposition of the Official Receiver to refuse to rescind without holding a public examination of the debtor.—*RE A DEBTOR* (No. 446 of 1918), C.A., 147; 1920, 1 K. B. 461.

#### BILL OF EXCHANGE:—

*Cheque payable in francs*—"Sum certain"—*Rate of exchange*—*Date of conversion*—*Bills of Exchange Act, 1882* (45 & 46 Vict. c. 61), s. 9 (1) (d).—A cheque was drawn by the defendant in favour of a payee "for 7,680 francs (Parr's)." The payee indorsed the cheque to the plaintiff. At the time of the indorsement it was agreed according to the defendant that the rate of exchange as between francs and pounds should be estimated on the basis of the exchange ruling at the time of drawing the cheque. In an action by the plaintiff, the indorsee of the cheque, the defendant set up this oral agreement and also that the cheque was not for a "sum certain" and was therefore not a bill of exchange.

Held, (1) that a cheque so drawn in francs is a bill of exchange as it is for a sum of money certain, (2) that the defendant could not set up the alleged oral agreement, (3) that the rate of exchange was that ruling on the day of trial.—*COHN v. BOULKEN*, K.B.D., 636.

See also *Partnership*.

#### BILL OF SALE:—

*Validity*—"True copy" filed with registrar—*Advance to third party*—*Statement of rate of interest*—*Omission of words "per annum"*—*No acknowledgment by grantor*—*Bills of Sale Act, 1878* (41 & 42 Vict. c. 31), s. 10 (2)—*Bills of Sale Act (1878) Amendment Act, 1882* (45 & 46 Vict. c. 43), s. 9, *Form in Schedule*.—By a bill of sale, made 29th January, 1919, between the defendant, T., as grantor and J. E. H. (Limited), the claimants, as grantees, it was provided that "in consideration of the sum of £250 now paid by the grantees to Gordon Carpenter, at the request of the grantor, he, the grantor doth hereby assign unto the grantees and their assigns" certain chattels "by way of security for the payment of the sum of £250 and interest thereon, at the rate of 55 per cent. per annum, and the grantor doth further agree and declare that he will duly pay to the grantees the principal sum aforesaid, together with the interest then due, by "twelve monthly instalments of £15 each until 29th January, 1920, when the balance of the principal and interest should be paid." In the copy of the bill of sale filed with the registrar, after stating the rate of interest, the words "per annum" were omitted. In an action in the county court, one H. B. obtained judgment against T. for £7 19s. 6d., and issued execution and took possession of the goods comprised in the bill of sale. He averred that the grantees bill of sale was bad on two grounds: (1) that owing to the omission of the two words "per annum" a true copy had not been registered, as required by section 10 (2) of the Act of 1878, and (2) that as, after setting out the payment to Gordon Carpenter, at the request of the grantor, the words "the receipt of which the said grantor hereby acknowledges" were not added, the bill was not "in accordance with the form in the schedule," as required by section 9 of the Amendment Act, 1882.

Held, that the bill of sale was void on both grounds.—*BURCHELL v. THOMPSON*, C.A., 307; 1920, 2 K. B. 80.

#### BUILDING SOCIETY:—

*Rules*—*Power of sale of liquidator*—*Contract to sell mortgages to defendant society*—*Ultra vires*—*Surplus moneys available*—*Concurrence of mortgagors*—*Building Societies Act, 1894*, s. 9.—Section 9 of the Building Societies Act, 1894, enables the liquidators of a building society properly appointed in accordance with the Acts and their rules to sell and transfer the mortgages of that society, if such securities are, in fact, transferable by the society without a supervision order or the concurrence of the mortgagors.—*SUN BUILDING SOCIETY v. WESTERN SUBURBAN, & C., BUILDING SOCIETY*, *Lawrence, J.*, 549; 1920, 2 Ch. 144.

#### CHAMPERTY:—

*Maintenance*—*Public policy*—*Gaming debts*—*Members of a society*—*Collection of debts*—*Sharing debts collected*—*Community of interest*.—The plaintiff issued a prospectus of a business which he carried on solely under the name of the "Turf Register." He described this business as a "society," and invited subscriptions of membership to it, and he called himself in the prospectus the secretary. He undertook to collect for the subscribers betting debts which, under the Gaming Acts, were not legally recoverable. It was agreed between the plaintiff and the defendant that in consideration of the plaintiff "putting up all the necessary disbursements for the institution and conduct of legal or other proceedings, the net profit accruing directly or indirectly was to be equally divided between the defendant and the society."

Held, that the agreement was illegal and void as champertous,

as there was no community of interest between the parties, the only interest being such as was created by the agreement itself.—*FORD v. RADFORD*, K.B.D., 571.

#### CHURCH:—

*Trust deed*—*Income to be employed*—"about the parish church"—*Repairs to chancel*.—By a trust deed dated 1620 the rents and profits of certain land were to be employed and bestowed by the churchwardens "wholly about the parish church" by the consent of the trustees or a majority of them. The majority of the trustees took the view that repairs to the chancel were the rector's liability and not within the scope of the deed.

Held, that the rents and profits were applicable to the repair of the chancel as well as the repair of the rest of the church.—*ATTORNEY-GENERAL v. PARR*, *Astbury, J.*, 275.

#### CLUB:—

*Rules*—*Right to expel member*—*Resolution of committee*—*Validity*—*Constitution of meeting*—*Failure to summon member of committee*—*Notice of agenda for meeting*.—Under the rules of a club its executive committee had power to expel a member on proper grounds by a resolution passed by a two-thirds majority of the members of the committee present at a meeting specially convened. A member having been expelled by a resolution passed at a meeting, no notice of which was sent to one of its members, who did not attend; and the agenda of which gave no notice that the expulsion of any member was contemplated.

Held (reversing *Roche, J.*), that every member of the committee ought to have had notice of the meeting, and of the agenda, and therefore that the meeting was improperly constituted and the expulsion invalid.—*YOUNG v. LADIES' IMPERIAL CLUB*, C.A., 374; 1920, 2 K. B. 523.

#### COMPANY:—

1. *Alteration of articles*—*Bona fide for the benefit of the company as a whole*—*Companies (Consolidation) Act, 1908* (8 Ed. 7, c. 69), s. 13.—An alteration of articles of association of a company, giving to the majority of the shareholders power to compel any member (other than A) to transfer his shares, is not for the benefit of the company as a whole, and is invalid.—*DAFEN TYNPLATE CO. v. LLANELLY STEEL CO.*, *Peterson, J.*, 446.

2. *Articles of association*—*Alteration of articles*—*Power to expropriate shareholders competing with company*—*Validity*—*Bona fides*—*Benefit of company*—*Companies (Consolidation) Act, 1908*, s. 13.—A company adopted and confirmed a new article of association providing that the company should have power to require any shareholder carrying on a business in competition with that of the company to transfer all his shares to the directors' nominees upon payment of their fair value, to be ascertained as therein provided.

Held, that the alteration having been made *bona fide* for the benefit of the company was valid, although it might operate to the detriment of one of the shareholders.

*Allen v. Gold Reefs of West Africa (Limited)* (1900, 1 Ch. 656) applied.—*SIDEBOTTOM v. KEESHAU & CO., C.A.*, 114; 1920, 1 Ch. 154.

3. *Bonus shares*—*Renunciation in favour of nominee by letter*—"Transfer" of shares—*Power to refuse to register nominee*—*Rectification of register*.—Where shares of a company were under the control of managers, who were empowered by the articles of association of the company in their absolute discretion, and without assigning any reason therefor, to refuse to register any transfer of shares of which they did not approve,

Held, that this power did not apply to a letter of renunciation of a right to allotment of new shares in the company requesting the company to allot the shares to a nominee, because such a renunciation is not a transfer, as it does not deal with a transfer of shares of a registered holder, or in fact of shares standing in the name of anyone, but merely the substitution of a nominee in the place of the person to whom, in the first instance, the shares were proposed to be allotted.—*RE POOL SHIPPING CO.*, *Peterson, J.*, 115; 1920, 1 Ch. 251.

4. *Debenture holders*—*Trust deed*—*Action for execution of trusts*—*Realization of assets*—*Application for sanction of the Court to sale*—*Duty of Court*—*Rights of minority*.—The duty of the Court with regard to giving its sanction to a scheme for the sale of the assets in debenture holders' actions, considered and explained, with special reference to the rights of dissentient minorities.—*RE BUENOS AIRES PORT AND CITY TRAMWAYS, Eve, J.*, 667.

5. *Debenture stock*—*Redemption below par*—*Discount distributable as dividend or capital*.—Where a trust investment company had among its object (a) to acquire and hold stocks, &c., and (b) to borrow on debenture stock, and to redeem or pay off any money so borrowed, and the accounts were kept on the footing that profit or loss on a change of investment be carried to capital account, and net receipts over expenditure to revenue account, and the company



in 1900 issued debenture stock which in 1918, owing to the general fall of securities, it had been enabled to redeem at a discount.

Held, that the amount of the discount at which the debenture stock had been redeemed was not net profit of the company, and could not be distributed as dividend.

*Verner v. The General and Commercial Investment Trust* (1894, 2 Ch. 239) applied.—*WALL v. LONDON AND PROVINCIAL TRUST, Sargent, J.*, 635.

6. *Dividend—Fixed cumulative dividend—No profits made for three years—Subsequent payment of full cumulative dividend—Devolution on death of shareholder—Apportionment—Apportionment Act, 1870 (33 & 34 Vict. c. 35), ss. 2, 5.*—By the articles of a company, the profits were applicable, in the first place, to the payment of a fixed cumulative dividend of 6 per cent. per annum on the preferred ordinary shares, and then to the payment of a similar dividend of 12 per cent. on the deferred shares. No dividends were paid for the three years 1904–1906, the profits being insufficient, but in 1907 dividends of 18 per cent. on the preferred, and 24 per cent. on the deferred, shares were declared. A shareholder having died in 1905,

Held (reversing *Peterson, J.*), that as between his estate and the estate of a specific legatee under his will, the dividends having been earned out of profits made in a year subsequent to the testator's death, belonged entirely to the legatee's estate and ought not to be apportioned between the two estates, the Apportionment Act, 1870, having no application to the case.

*Re Taylor's Trusts* (1905, 1 Ch. 734) approved.—*RE WAKLEY, C.A.*, 357.

7. *Issue of shares to retain control—Fiduciary position of directors—Breach of trust—Invalidity.*—Directors are not entitled to use their powers of issuing shares merely for the purpose of retaining their control, or that of their friends, over the affairs of the company, or merely for the purpose of defeating the wishes of the existing majority of shareholders.

*Fraser v. Whalley* (2 H. & M. 10) and *Punt v. Symons & Co.* (1903, 2 Ch. 506) applied.—*PIERCY v. MILLS & Co., Peterson, J.*, 35; 1920, 1 Ch. 77.

8. *Objects—Persons having a right to oppose alteration—Companies (Consolidation) Act, 1908 (8 Ed. 7, c. 69), s. 9, sub-section 3.*—The Court, in sanctioning alterations of the objects of a company, must always assume, unless the contrary is proved, that the company's business is to be carried on in a proper and legitimate way. Accordingly, the Court, on a petition to alter the objects of the above company so as to permit the company "to ensure payment during sickness or incapacity," declined to hear the Hearts of Oak Benefit Society, who appeared to oppose the petition, as being "affected by the alteration" within section 9, sub-section 3 (a), of the Companies (Consolidation) Act, 1908, and who wished to say that the Court, by enabling the company to carry on this class of business similar to their own, would be putting the company in a position to deceive the public.—*RE HEARTS OF OAK ASSURANCE CO., Lawrence, J.*, 324.

9. *Quorum—Confirmatory meeting for reduction of capital—Person representing shareholder company—Companies (Consolidation) Act, 1908 (8 Ed. 7, c. 69), s. 68.*—A person appointed to represent a limited company shareholder under section 68 of the Companies (Consolidation) Act, 1908, can be taken into account in considering whether or not there is a quorum of shareholders present.—*RE KELANTAN ESTATES, Astbury, J.*, 700.

10. *Reorganization of capital—One resolution for consolidation and sub-division—Companies (Consolidation) Act, 1908 (8 Ed. 7, c. 69), ss. 41 and 45.*—Section 41 of the Companies (Consolidation) Act, 1908, permits a consolidation of shares, followed by a sub-division of the shares resulting from such consolidation, to be carried out by a single resolution.

*Campbell's case* (1873, 9 Ch. 21) applied.—*RE NORTH CHESHIRE BREWERY, Russell, J.*, 463.

11. *Transmission clause—Right of an executor of a shareholder to vote at general meetings.*—A company having common form articles of association, including a "transaction clause" dealing with persons becoming entitled to shares in consequence of death, admitted the right of an executor of a deceased member to vote in respect of that member's shares, but did not expressly confine the admission to the right to vote at that particular meeting.

Held, that the executor had the right to vote in respect of those shares at a subsequent meeting.—*MARKS v. FINANCIAL NEWS, Sargent, J.*, 69.

12. *Underwriting contract—Sub-underwriting—Authority to apply for shares—Irrevocability—Authority coupled with an interest.*—Where a sub-underwriting contract is entered into in the usual form, and a cheque is sent to the underwriters for the shares sub-underwritten, but the application form to the company for the

shares is not forwarded, this is an authorization to the underwriters to apply for the shares in the name of the sub-underwriter.

Where the sub-underwriting contract provided that the application should be irrevocable, the rule as to being able to withdraw an application for shares before allotment was held not to apply.

*Carmichael's case* (1896, 2 Ch. 643) applied.—*RE OLYMPIC FIRE RE INSURANCE CO., Lawrence, J.*, 408.

13. *Winding up—Arrears of preference dividend—Direction for payment out of surplus assets—No profits ever earned—Arrears now payable.*—Where preference shareholders were entitled to have surplus assets applied, first, in paying off the capital paid upon preference shares, and secondly in paying off the arrears, if any, of preferential dividends, and no profits were ever, in fact, earned by the company,

Held, that the surplus assets were liable for and charged with all arrears of preference dividend which were not only payable so far as profits were available for paying them.

*Re New Chinese Antimony Co.* (1916, 2 Ch. 115) applied.  
*Re W. J. Hall & Co.* (1909, 1 Ch. 521) not followed.—*RE SPRINGBOK ESTATES, Lawrence, J.*, 359.

## CONFLICT OF LAWS.

1. *Contract—Charter-party—Freight—Limitation of amount payable for freight by foreign law—Illegality—Implied exception—Law of place of performance.*—A contract is in general invalid in so far as the performance of it is illegal by the law of the country where the contract is to be performed. Where, therefore, a contract was made by charter-party between British charterers and Spanish shipowners for the carriage of a cargo of jute from Calcutta to Barcelona at £50 a ton, half to be paid on shipment and the balance on delivery, and before the arrival of the vessel a decree of the Spanish Government made it an offence either to pay or to receive above certain maximum rates, which in the case of jute were much below £50 a ton,

Held, that the charterers' obligation was one to be performed in Spain and was only performed by the tendering of the maximum freight permitted by Spanish law by the Spanish receivers of the cargo, and that the shipowners could not recover the difference between such maximum and the freight contracted to be paid by suing in the English court.—*SOTA v. RALLI, C.A.*, 462.

2. *English contract—Lex loci contractus—Guaranty—Payment of interest—Foreign income tax—Deduction.*—The defendants, an English company, guaranteed the payment of interest on the sum of £500,000 advanced by the plaintiffs, an English company, to an American railway company. It was agreed by the deed between the parties that the deed, and all rights under it, should be construed and regulated by the law of England. In 1916 and 1917 the United States of America passed income tax laws imposing (*inter alia*) an income tax of 2 per cent. upon income received from all sources within the United States by every individual non-resident alien, and by every corporation, joint stock company, or association organized, authorized, or existing under the laws of any foreign country, including interest on bonds, notes or other interest bearing obligations of non-residents, corporate or otherwise. The railway company deducted the tax from their payment of interest. In an action against the guarantors,

Held, that the guarantors were liable for the amount deducted by the railway company, as the contract was an English contract, and there was no express or implied agreement that the provisions of the American Taxing Act should be enforceable in England.—*INDIAN, &c., INVESTMENT TRUST v. BORAX (LIMITED), K.B.D.*, 225.

## CONSTITUTIONAL LAW:—

*War—Defence of the realm—Requisition by Crown of buildings—Royal prerogative—Right to compensation—Petition of right—Defence Act, 1842—Defence of the Realm Act, 1914.*—The Army Council, having requisitioned and taken possession of certain hotel premises, and used them for administrative purposes connected with the war, and the owners, in the absence of any agreement for the payment of rent, having claimed by petition of right full compensation therefor, the Crown contended that possession having been taken by virtue of the Royal prerogative at a time of national emergency, or under the Defence of the Realm Act, 1914, and the Regulations thereunder, the owners had no right to the payment of any compensation except such as might be awarded *ex gratia*.

Held, dismissing the appeal by the Crown, that the Royal prerogative had become merged in the statute law of the realm, and the Crown was not entitled as of right to use and occupy any lands, buildings and premises of subjects required for administrative purposes in connection with the defence of the realm for an indefinite period without any obligation to make compensation for such use and occupation, and, further, that the proper procedure was by petition of right.

Decision of the Court of Appeal (reported 63 SOLICITORS' JOURNAL, 445; 1919, 2 Ch. 197) affirmed.

*Re a Petition of Right* (59 SOLICITORS' JOURNAL, 655; 1915, 3 K. B. 649) distinguished.—ATTORNEY-GENERAL v. DE KEYSER'S HOTEL, *H.L.*, 513.

#### CONTRACT:—

1. *Commercial contracts—Agreement with foreign vendor resident abroad—Failure of vendor to ship iron from Sweden—Such part of contract as was to be performed in this country—Indistinguishable and dependent obligations—Service of writ—Jurisdiction.*—Where there is a breach of a contract made with a foreign seller resident abroad to ship goods to this country *c.i.f.*, some part of which would be performed here, there is jurisdiction under ord. 11, r. 1 (e), to issue a writ of summons and to serve it on the seller. But where the failure of that part of the contract to be performed abroad ends the obligation of the seller to perform that part of the contract which in the normal course would have been performed in this country, there is no such jurisdiction.

*Rein v. Stein* (1892, 1 Q. B. 753) considered and explained.—JOHNSON v. TAYLOR BROS., *H.L.*, 82.

2. *Contract of service—Independent negative stipulation.*—Where for certain considerations the defendant undertook by letter that the plaintiff should have the sole arrangements of matching him for all his boxing contests for seven years, and certain percentages in respect of purses thereon.

Held, (1) that this was an agreement for personal services not containing any independent negative stipulation, and that an injunction could not be granted against the defendant restraining him from employing anyone else.

*Lumley v. Wagner* (1 D. M. & G. 604) applied.

(2) That the agreement lacked mutuality, and for that reason, too, an injunction ought not to be granted.—MORTIMER v. BECKETT, *Russell, J.*, 341.

3. *Performance—Frustration—Provisions for delay in performance—Suspension for two years by Government Order—Intervention of shipping controller—Complete change of conditions since interruption—"Standard ships."*—Contracts were entered into in 1916 for the construction of two steamers. No date of delivery was stipulated for, and the purchasers were not to be entitled to reject the vessels on the ground of delay in delivery from whatever cause arising. In December, 1917, the Government, by order, suspended the building of all ships on private account, and required shipbuilders to build only standard ships to Government order.

Held (affirming Rowlatt, J.), that the intervention of the Government created such a change of conditions that the performance of the contracts, as a commercial adventure, was frustrated.—WOODFIELD STEAM SHIPPING CO. v. THOMPSON & CO., *C.A.*, 67.

4. *Impossibility of performance—Shipbuilding agreement—War—Government interference.*—The appellants contracted with the respondents that the latter should build a ship for them, according to approved plans and specifications, for £127,500, the steamer to be delivered by the end of January, 1915. The contract provided that in the event of and delays due to causes beyond the builders' control which should interfere with construction of the vessel the builders should be allowed a corresponding extension of time. It was common ground that it was impossible to carry out that contract by reason of the interference of the Government staying the building of merchant vessels for a time. Eventually the Board of Trade sanctioned the building of a "standard" vessel for the appellants, but the shipbuilder declined to put it in hand, contending that the contract they had agreed to carry out had gone so completely that the building of the ship as a standard ship was a wholly new contract.

Held, that the interference of the Government was clearly of such a character and duration as to make the building of the ship as contracted for a wholly different contract from the contract which the respondents had agreed to execute, and therefore the contract had ceased to be operative, and the respondents were entitled to refuse to build the standard ship in place of the screw steamer.

*Tamplin Steamship Co. v. Anglo-Mexican Petroleum Products Co.* (1916, 2 A. C. 397) distinguished.

*Metropolitan Water Board v. Dick, Kerr & Co. (Limited)* (1918, A. C. 119) followed.—FEDERAL STEAM NAVIGATION CO. v. DIXON & CO., *H.L.*, 67.

5. *Restraint of trade—Contract by film actor to act under pseudonym—Pseudonym to be property of employer—Reasonableness—Actor's reputation acquired under pseudonym—Right to prevent user of pseudonym after quitting employment.*—A film-producing company entered into a contract with an actor to perform for them for a certain period, which provided that the

actor should act under a pseudonym or stage-name, which was to be the property of the company, and was not to be used by the actor after quitting the employment for any purpose whatever. The actor acquired a reputation before the public under the pseudonym, and then after an interval of military service entered into a contract with another employer to act for the films.

Held (affirming Astbury, J.), that the contract not to use the pseudonym in another employment was void as being in restraint of trade, calculated to deprive the actor for a time of his market value and means of livelihood, and unreasonable. Its real object was to restrain competition, and as such it was unenforceable.—HEPWORTH MANUFACTURING CO. v. RYOTT, *C.A.*, 19; 1920, 1 Ch. 1.

6. *Sale of goods—Force majeure—Damages—Rate of exchange.*—Two contracts made in May, 1917, between the buyer, M. Lebeaupin, and the sellers, Richard Crispin & Co., provided for the supply under each contract of 2,500 cases of "British Columbia Fraser River Salmon." The first of these contracts contained the following words:—"The salmon to be the first 2,500 cases of half-pound flat pinks packed by the St. Mungo Cannery, Fraser River, during the season of 1917." The second contract contained the following words:—"The salmon to be the first 2,500 cases of half-pound flat pinks packed by the Acme Cannery, Fraser River, during the season of 1917." Each contract contained an exception clause as follows:—"In the event of the destruction or partial destruction of the cannery plant or material, or the packing being interfered with or stopped, or falling short through short run of fish . . . or from any cause not under the control of the cannery or shippers causing non-arrival at destination . . . the contract to be cancelled in respect of such non-delivery or part non-delivery, as the case may be." Then appeared in large letters the words, "subject to force majeure."

In the season of 1917 there was an excellent run of fish on the Fraser River, and the above named St. Mungo Company began to pack the salmon into the half-pound tins, but they found that these tins, which had been supplied to them by the American Canning Company, were defective; they ceased to pack into half-pound tins; and before they could get a new supply of half-pound tins the run of salmon had practically ceased. These defects could not have been found out until the tins were used, and the St. Mungo Company had no reason to suspect them until they used them, but they might have been used, and so tested, at an earlier date.

In the case of the Acme Company ample fish existed in the season of 1917 to enable them to pack 2,500 cases of half-pound flat pinks, and they had a full supply of half-pound tins. They had also a large number of one-pound tins which were getting rusty when the fish began to run. They, therefore, filled the one pound tins first to the extent of over 3,700 cases, to avoid the loss of these one-pound tins, and before they could proceed to fill the half-pound tins the run of fish ceased, and they were unable to prepare half-pound tins at all. The cessation of the run was in no way abnormal.

Owing to the failure of the canning companies to deliver, the sellers were unable to perform their contracts with the buyers, and the dispute between the parties was submitted to arbitration. The umpire held that the buyers were entitled to 12,500 dollars as damages from the sellers, and he directed that the sellers should pay in sterling at the rate of exchange of sterling for dollars ruling at the date of his award.

Held, that there was no failure of the subject-matter, and that the sellers could not rely on the exception clause in the contracts, or on the defence of *force majeure*, as the non-delivery of the goods arose from causes under the control of the cannery or shippers.

Held, also, that the damages must be assessed according to the rate of exchange between sterling and dollars ruling at the time of the breach of the contract, and not at the date of the award.—LEBEAUPIN v. CRISP & CO., *K.B.D.*, 652.

See also *Conflict of Laws*.

#### CORN PRODUCTION:—

1. *Agricultural labourer—Provision of cottage by employer—Value exceeding standard rent—Deduction from minimum wages—Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915 (5 & 6 Geo. 5, c. 97)—Corn Production Act, 1917 (7 & 8 Geo. 5, c. 46).*—Before the Corn Production Act, 1917, came into operation a farmer deducted 1s. a week from the wages of an agricultural labourer for the occupation of a cottage. The deduction was afterwards increased to 3s.

Held, that the right conferred by the Act of 1917 to deduct from the labourer's minimum wages the full 3s. a week, allowed by that Act for the provision of a cottage, was unaffected by the provisions of the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915.



Decision of the Divisional Court (reported 18 L. G. Rep. 50), affirmed.—*BAKER v. WOOD, C.A.*, 256.

2. *Minimum wage—Market garden—Trade of market gardener—Agricultural Holdings Act, 1908* (8 Ed. 7, c. 28), s. 41 (1)—*Corn Production Act, 1917* (7 & 8 Geo. 5, c. 46), ss. 4, 17, and *Orders*.—The expression "market gardens or nursery grounds" in the Corn Production Act, 1917, is to be taken according to the definition of "market garden" in section 48, sub-section (1), of the Agricultural Holdings Act, 1908, viz., "a holding cultivated wholly or mainly for the purpose of the trade or business of market gardening."

The defendant, with her husband, occupied a house with gardens, fruit trees and hot-houses, flower and vegetable gardens and orchards, of about four acres in extent. The produce was intended for the use of the house, but the surplus, amounting on the average to about 50 per cent., was sold.

Held, that the defendant did not cultivate the holding wholly or mainly for the purpose of the trade or business of market gardening, and was not bound to pay not less than the minimum wage to workmen under the Corn Production Act, 1917, and the orders made thereunder.—*BICKERDIKE v. FAIRFAX LUCY, K.B.D.*, 257.

# COUNTY COURT:—

*Practice—Trial by county court judge without jury—Jurisdiction to grant new trial—County Courts Act, 1888* (51 & 52 Vict. c. 43), s. 93.—Where a county court judge tries a case without a jury, and has decided it and directed judgment to be entered, he has no jurisdiction to order a new trial on the ground that he has misdirected himself on a matter of law. The proper procedure is by appeal from the decision to the High Court under section 120 of the County Courts Act, 1888.—*ASTOR v. BARRETT, K.B.D.*, 550; *C.A.*, 738.

# CRIMINAL LAW:—

1. *Carnal knowledge of girl between thirteen and sixteen years of age—Commencement of proceedings—Limitation of time—Information issued in time—Amendment after expiry of six months—Step in the proceedings—Criminal Law Amendment Act, 1885* (48 & 49 Vict. c. 69), s. 5—*Prevention of Cruelty to Children Act, 1904* (4 Ed. 7, c. 15), s. 27.—A prosecution for the offence of unlawfully having carnal knowledge of a girl between thirteen and sixteen years of age, must, by section 5 of the Criminal Law Amendment Act, 1885, as amended by section 27 of the Prevention of Cruelty to Children Act, 1904, be commenced within six months of the date of the offence. If an information is sworn within the six months, and amended after the expiration of the six months, the amendment is only a step in the proceedings, and if it charges an offence on a date within six months before the date of the original information, the proceedings are commenced in time.—*REX v. WAKELEY, C.C.A.*, 360.

2. *Demanding money with menaces—Letter—Defence—Reasonable and probable cause for making the demand—Honest belief of the accused—Relevancy—Larceny Act, 1916* (6 & 7 Geo. 5, c. 50), s. 29 (1) (i).—Where a person is charged under section 29 of the Larceny Act, 1916, with the offence of uttering, knowing the contents thereof, any letter or writing demanding of any person with menaces and without any reasonable or probable cause any property or valuable thing, an honest belief by the accused that there was a reasonable and probable cause for making the demand does not negative the crime.—*REX v. DYMOND, C.C.A.*, 571.

3. *Evidence—Person charged giving evidence—Cross-examination by counsel for prosecution—Questions incriminating co-defendants—Criminal Evidence Act, 1898* (61 & 62 Vict. c. 36), s. 1.—Where a person charged goes into the witness-box to give evidence for the defence, and has been sworn, he may be cross-examined like an ordinary witness, and it is immaterial whether he stands mute or gives evidence for the defence or for the prosecution. Even if all he says, on being sworn, is "I plead guilty," he is nevertheless liable to be cross-examined by counsel for the prosecution, so as to incriminate a person charged jointly with him.—*REX v. PAUL, C.C.A.*, 447.

4. *Evidence—Prisoner's character put in issue—Cross-examination by counsel for Crown—Evidence of conviction of offence posterior to the offence the subject of the trial—Admissibility—Criminal Evidence Act, 1898* (61 & 62 Vict. c. 36), s. 1 (f).—Where a person charged asks questions, by his advocate, of the witnesses for the prosecution with a view to establish his own good character, or calls evidence of good character, he may, if he goes into the witness-box, be asked questions tending to shew that he has been convicted for an offence which in fact was committed subsequently to the one which is the subject of the trial. The material time for shewing that he is not of good character is the time of the trial.—*REX v. WOOD, C.C.A.*, 409.

5. *False pretences—Sentence—Long interval of honest work—Reduction of sentence.*—A sentence of three years' penal servitude for false pretences after a series of previous convictions reduced to nine months' imprisonment with hard labour because the appellant for ten years led an honest life and acquired a good reputation.—*REX v. CARRUTHERS, C.C.A.*, 309.

6. *Habitual criminal—Sentence—Proof of previous convict on of being an habitual criminal—Previous sentence of preventive detention—Discretion of court as to sentence of preventive detention—Prevention of Crime Act, 1908* (8 Ed. 7, c. 59), s. 10, sub-sections (1), (2).—The power given by section 10 of the Prevention of Crime Act, 1908, to pass a sentence of a term of preventive detention, after a sentence of penal servitude, where an offender is convicted as an habitual criminal, is discretionary. It does not follow that once there has been a conviction as an habitual criminal the court must pass a sentence of preventive detention. Where an offender has been previously convicted and found to be an habitual criminal, and sentenced to a term of preventive detention, although the jury must find him guilty as an habitual criminal on proof of those facts, the court may take into consideration the man's record during the interval since the previous conviction, and if, having regard to the man's conduct during that interval, the court is of opinion that a sentence of preventive detention ought not to be passed, the court is not bound to pass such a sentence.—*REX v. STANLEY, C.C.A.*, 341.

7. *Murder—Act of violence in furtherance of a felony—Defence of drunkenness.*—B. was convicted of the murder of a thirteen-year-old girl, and sentenced to death. The medical evidence was that the girl died from suffocation and violence. The only defence put forward was that B. at the time was drunk. On appeal, the Court of Criminal Appeal reduced the sentence to one of manslaughter with twenty years' penal servitude, being of opinion that, although B. had murdered the girl, there had not been a proper direction to the jury on the plea of drunkenness, as laid down in *REX v. MEADE* (1909, 1 K. B. 895). It was there held that, while a man who was sober must be taken to intend the natural consequences of his acts, the presumption of criminal intent might be rebutted in the case of a man who was drunk by shewing his mind to have been so affected by the drink that he was incapable of knowing that what he was doing was likely to inflict serious injury, and if that presumption was rebutted the sentence could be reduced to one of manslaughter.

The Crown appealed.

Held, that the proposition in *Meade's case* in its wider sense could not be supported. There was no evidence here that B. was so drunk that he was incapable of forming the intent to commit the crime of rape. The appeal was therefore allowed, and the death sentence restored.

*Seem*, that *Meade's case* was also distinguishable from the present case on the ground that to establish the charge in *Meade's case* it was necessary to prove specific intent to do bodily harm, whereas here it was only necessary to prove that the violent act causing death was done in furtherance of the felony of rape.—*DIRECTOR OF PUBLIC PROSECUTIONS v. BEARD, H.L.*, 340.

8. *Shop-breaking—Warehouse-breaking—Conspiracy to break and enter—Abstract of indictment handed to jury—Notes of previous convictions on abstract—Disclosure to the jury—Irregularity—Proviso—No substantial miscarriage of justice—Criminal Appeal Act, 1907* (7 Ed. 7, c. 23), s. 4.—The communication of previous convictions to the jury is not a fatal irregularity if there is no substantial miscarriage of justice.—*REX v. WILLIAMS, C.C.A.*, 309.

DISCOVERY.—See Practice.

# DIVORCE:—

1. *Adultery of petitioner—Non-disclosure to court—Condonation—Discretion of court—Matrimonial Causes Act, 1857* (20 & 21 Vict. c. 85), s. 31.—Where the petitioner has himself been guilty of adultery, but has not disclosed that fact to the court on obtaining a decree nisi for the dissolution of his marriage, and the wife has condoned the adultery, the court can, on an intervention by the King's Proctor, exercise its discretion in the petitioner's favour, notwithstanding the non-disclosure of his adultery.—*BEBB v. BEBB, P.D.*, 479.

2. *Husband's suit—Admission of adultery by wife—Counter-charges by wife of adultery, cruelty, condoning and connivance and prayer for discretion under section 31 of Matrimonial Causes Act, 1857, and decree nisi—Counter-charges found proved—Discretion exercised and decree nisi granted.*—The Court will exercise its discretion in favour of a guilty spouse if it is satisfied that the adultery was caused through the misconduct of the other party to the marriage.—*MARVIN v. MARVIN, P.D.*, 177.

3. *Husband's suit—Co-respondent's knowledge as to respondent being a married woman—Practice as to costs—Damages—Material circumstances for assessment.*—Where a co-respondent has been found guilty of adultery with the respondent, there is no rule of the court in divorce that he cannot be condemned in the costs of the suit because at the time when he first committed adultery with the respondent he did not know that she was a married woman. Costs are in the discretion of the court. With regard to the assessment of damages, although evidence of the co-respondent's means cannot be received, the general position and obligations of the parties are material to consider, in order that an assessment may be arrived at which the co-respondent can discharge, so that it will not defeat its object, but bring a sum into Court to be dealt with.

*Robinson v. Robinson and Wilson* (1898, 78 L. T. 391) and *Norris v. Norris and Smith* (1918, P. 129) approved and followed. —BURNES v. BURNES, P.D., 132; 1920, P. 17.

4. *Husband's suit—No knowledge by co-respondent that respondent was a married woman—Discretion of court as to damages and costs.*—In a case where the co-respondent does not know that the respondent was a married woman, the court has a complete discretion on the question of costs as well as damages, and can, if it sees fit, condemn the co-respondent in costs, as well as assess damages against him.

*Lord v. Lord* (1900, P. 297) approved and followed. —LANGRICK v. LANGRICK, P.D., 531.

5. *Husband's suit—Petitioner guilty of adultery—Discretion of court under section 31 of Matrimonial Causes Act, 1857 (20 & 21 Vict. c. 85)—Principles on which to exercise discretion—Interests of all parties, including those of children of marriage, to be considered.*—The discretion of the court under section 31 of the Matrimonial Causes Act, 1857, to grant relief to a petitioner who has been guilty of adultery is not to be exercised cheerfully or indeed readily, but with stringency. Where the guilty petitioner is the husband, the following facts may be material, if the court is convinced of his bona fides—viz., (1) the position and interests of his children; (2) the interest of the woman with whom he has committed adultery, that she may be in a position to marry him; (3) the fact that the withholding of the decree will not be likely to reconcile husband and wife, and (4) the interest of the husband himself that he may re-marry and lead a respectable life. —WILSON v. WILSON, P.D., 133; 1920, P. 20.

6. *Husband's suit—Wife's adultery with man unknown—Alleged condonation in a letter from the husband.*—Condonation in law is something more than mere forgiveness. It is the complete blotting-out of the offence, and the reinstatement of the offender in the same position that he or she was in before the commission of the offence. Condonation *per verba* or by letter is not sufficient alone. —CROCKER v. CROCKER, P.D., 390.

7. *Intervention by King's Proctor—Discretion under section 31 of the Matrimonial Causes Act, 1857—Adultery subsequent to King's Proctor's plea—Discretion not exercised—Decree rescinded.*—Where a petitioner has not only committed adultery prior to the King's Proctor's intervention, but has also committed adultery subsequent to the King's Proctor's plea and after he (or she) knew that it was wrong to do so, the court will not exercise its discretion in the petitioner's favour and grant a decree under section 31 of the Matrimonial Causes Act, 1857. —LINGHAM v. LINGHAM, P.D., 117.

8. *Ireland—Decree a mensa et thoro—Bill for leave to marry again—Delay of more than ten years—Want of means—Petition for leave to prosecute in forma pauperis.*—The petitioner, a motor mechanic, residing at Claresford, Ireland, obtained a decree *a mensa et thoro* in the Irish Courts in 1910 dissolving his marriage with his wife. He alleged that owing to want of means he had been unable to present a Bill for divorce until recently, and he asked on the second reading of the Bill for leave to prosecute *in forma pauperis*.

Held, (1) that want of means was a reasonable ground for the delay in presenting the Bill, and, (2) that leave should be granted to prosecute *in forma pauperis*. —RE WHITE'S DIVORCE BILL, H.L., 461.

9. *Leave to file petition for maintenance after expiration of time—Divorce Rules 95, 122, 181.*—The wife obtained a decree absolute for the dissolution of her marriage on 3rd Feb., 1919. On 4th March, 1920, she applied by summons to the registrar and obtained leave to file a petition for maintenance, as the time for filing such a petition had expired one month after decree absolute. The petition was served on the husband, who appeared thereto and obtained leave for further time to file an answer. The husband then appealed to the judge on the ground that the registrar had no jurisdiction to grant leave after the time limited for the filing of the petition had expired.

Held, that the husband was too late, in this case, to take advantage of the objection, as he had appeared to the petition and obtained leave for further time for answer; but that it was advisable that applications for leave to file a petition for maintenance or for variation of settlements, after expiration of the time limited by the rules, should be made to a judge. —FYTTE v. FYTTE, P.D., 316.

10. *Practice—Affidavit of service on respondent and co-respondent—Proof of identity.*—It is necessary that the person who serves the petition and citation on the respondent and co-respondent should have the respondent and co-respondent properly identified to him, and he must depose to this fact in his affidavit of service. —SMITH v. SMITH, P.D., 226.

11. *Practice—Evidence of adultery on affidavit—Deponent to make full disclosure of all facts within his knowledge.*—Where leave has been granted to take the evidence of the petitioner on affidavit he should make a full disclosure of all facts within his knowledge including any evidence of adultery.

*Gayer v. Gayer* (1917, P. 64) explained. —GOODMAN v. GOODMAN, P.D., 242; 1920, P. 67.

12. *Practice—Service on co-respondents—Alleged adulterers aliens and out of work jurisdiction—Motion for leave to dispense with their citation—Right of respondent to be heard on motion—Matrimonial Causes Act, 1857 (20 & 21 Vict. c. 85), ss. 28, 42.*—The court has jurisdiction under the Matrimonial Causes Act, 1857, s. 42, over foreign residents abroad, and on a husband's petition for dissolution of marriage, charging his wife with adultery with named persons, the fact that those persons are foreigners and resident abroad gives them no right to be dismissed from the suit if they appear, on the ground that a judgment against them for damages might remain unsatisfied. The court, however, may, in the exercise of its discretion, dispense with service on such persons where it may seem necessary or expedient so to do.

Upon a motion by a petitioning husband to dispense with service upon co-respondents, the wife has a right to appear and be heard, if she desires.

*Rayment v. Rayment* (1910, P. 271) approved. —RUSH v. RUSH, C.A., 323.

13. *Restitution of conjugal rights—Practice—Proof of service on respondent—Admission indorsed on citation.*—The duly identified signature of the respondent in the citation admitting service, is, in general, sufficient proof of service. —ALTON v. ALTON, P.D., 308.

14. *Wife's separate estate—Costs—Practice.*—Where there is evidence that the wife, respondent, is possessed of separate estate, over which there is no restraint on anticipation, the court has power, under section 51 of the Matrimonial Causes Act, 1857, to order the costs of the suit to be paid out of the wife's separate estate. —CHALDECOTT v. CHALDECOTT, P.D., 242.

15. *Wife's suit—Evidence of identity on affidavit—Practice.*—Where the evidence of adultery was complete but there was no evidence to identify the respondent as the man who had committed adultery the court allowed evidence of the identity to be given on affidavit. —CARTER v. CARTER, P.D., 148.

16. *Wife's suit—Respondent a minor—Service on respondent in presence of his guardian—Order for costs against respondent.*—Service on a minor must be effected on him in the presence of his natural guardian; and an order for costs can be made against him, although he is a minor as being an incident of the marriage which he can lawfully contract. —QUINN v. QUINN, P.D., 226; 1920, P. 63.

17. *Wife's suit—"Usual order for wife's costs"—Security ordered for wife's costs of hearing—No application for further security—Wife's costs limited to amount secured.*—Where the registrar has fixed the amount of the security for the wife's costs of the hearing of the suit, and there is no application for further security, Held, that the usual order for the wife's costs is limited to the amount secured. —BETTON-BRIGHT v. BETTON-BRIGHT, P.D., 715.

18. *Wife's suit for restitution of conjugal rights—Letter of demand—Divorce Rule 175.*—In a suit for restitution of conjugal rights, the letter of demand to return to co-habitation referred to by Rule 175 of the Divorce Rules must be of a conciliatory and not a minatory nature. —NAYLOR v. NAYLOR, P.D., 257.

#### EMERGENCY LEGISLATION:—

1. *Landlord and tenant—Agreement not to assign or under-let—Sub-letting parts of premises—Sub-tenant's under Increase of Rents Acts—Undue profit of tenant—"Alternative accommodation"—Increase of Rent, &c., Act, 1915 (5 & 6 Geo. 5, c. 97), s. 1, sub-section (3)—Increase of Rent, &c. (Amendment), Act, 1919 (9 & 10 Geo. 5, c. 90), s. 1, sub-section (1).*—A tenant under an agreement occupied part of the premises as a shop, and did not use any part of them himself as a dwelling-house. In the agreement there was a provision not to assign or sub-let the premises. His rent was £100



a year, and he sub-let parts of the premises in rooms to families of the poorer classes, who paid weekly sums amounting in the aggregate to £88 a year, he, however, having to pay the rates and taxes. The landlord claimed an order for the recovery of the whole of the premises from the tenant and from the sub-tenants.

Held (1), following *Wilson v. Rosenthal* (1906, 22 T. L. R. 233), that there was no breach of the agreement against sub-letting by sub-letting only parts of the premises, and that the sub-tenants were not mere trespassers, but were statutory tenants, against whom an order could not be made, as it was not shewn that there was alternative accommodation for them. (2) That an order could be made against the tenant for the recovery of possession of the shop, as he was not within the protection of the Acts, his shop not being occupied as a dwelling-house.—*COTTELL v. BAKER, K.B.D.*, 276.

2. *Landlord and tenant—Dwelling-house and shop—Determination of tenancy—Recovery of possession—Alternative accommodation—Increase of Rent, &c. (Amendment), Act, 1919 (9 & 10 Geo. 5, c. 90), s. 1, sub-section (1).*—Where premises are occupied partly as a dwelling-house and partly as a shop, the Increase of Rents Acts have not made it necessary that the alternative accommodation for the tenant should have regard to anything beyond similar dwelling-house accommodation.—*WILCOCK v. BOOTH, K.B.D.*, 292.

3. *Landlord and tenant—Notice by tenant to quit—Landlord's conditional contract with purchaser—Refusal of tenant to give up possession—Recovery of possession—Increase of Rent, &c. (War Restrictions), Act, 1915, s. 1, sub-section (3).*—The defendant was tenant to the plaintiff of premises subject to a quarter's notice. In March, 1919, the defendant gave a quarter's notice to quit. The plaintiff thereupon contracted with a purchaser to sell the premises, the contract being conditional on the plaintiff being able to give the purchaser possession on Lady Day, 1919, when the quarter's notice expired. On the plaintiff requiring possession, in order to carry out his contract with the purchaser, the defendant refused to give up possession, and the plaintiff in consequence lost the contract with the purchaser. In an action claiming possession of the premises,

Held, that although the plaintiff had been induced by the conduct of the defendant to enter into the contract with the purchaser, yet, as he was not liable under the contract to an action by the purchaser for breach of contract, the circumstances did not form a "satisfactory ground" on which the court would exercise its discretion under section 1, sub-section (3), of the Increase of Rent, &c. (War Restrictions), Act, 1915, to make an order for the recovery of the premises.

*Green-Price v. Webb* (ante, p. 100) distinguished.—*HUNT v. BLISS, K.B.D.*, 116.

4. *Landlord and tenant—Recovery of possession—Dwelling-house—Alternative accommodation—Absence of evidence—Jurisdiction—Increase of Rent, &c. (Amendment), Act, 1919 (9 & 10 Geo. 5, c. 90), s. 1 (c).*—Under section 1 (1) of the Increase of Rent, &c. (Amendment), Act, 1919, justices have jurisdiction to make an order for recovery of possession of a dwelling-house, although there is no affirmative evidence before them of alternative accommodation available for the tenant, if they are of opinion that, in the circumstances, it is reasonable that the order should be made.—*SMITH v. BRIDGEN, K.B.D.*, 376.

5. *Landlord and tenant—Recovery of possession—"Standard rent"—Rates and taxes paid by landlord—Increase of Rent and Mortgage Interest (War Restrictions) Act (5 & 6 Geo. 5, c. 97), s. 1, sub-section 3; s. 2, sub-section 1 (a) (c)—Increase of Rent and Mortgage Interest (Restrictions) Act, 1919 (9 Geo. 5, c. 7), s. 4 (a).*—Where a landlord lets premises, charging the tenant an inclusive charge covering rates, which the landlord undertakes to pay, that charge is rent, and the amount of the rates is not deductible for the purpose of computing the "standard rent" as defined in the Rent Restriction Acts.

*Westminster and General Properties and Investment Co. v. Simmons* (1919, W. N. 241, 35 T. L. R. 669) approved.—*ISAACS v. TITLEBAUM, C.A.*, 223.

6. *Life insurance—Friendly society—Funeral benefit—Arrears of subscriptions—Action on policy—Lapse of policy—"Enforce the lapse of any policy of insurance"—Courts (Emergency Powers) Act, 1914, s. 1, sub-section (1) (b).*—The rules of a friendly society provided that if a member's weekly subscriptions were in arrears for over 26 weeks he should be suspended from the funeral benefit. In an action brought by the administratrix of a deceased member claiming the funeral benefit the society set up the defence that the member was not entitled to the funeral benefit as his subscriptions were over 26 weeks in arrears.

Held, that the society was not precluded from this defence as they were not thereby seeking "to enforce the lapse" of a policy

to which section (1) (b) of the Courts (Emergency Powers) Act, 1914, applied.—*BARKER v. PHILLIPS, K.B.D.*, 83.

See also *Landlord and Tenant*.

#### EVIDENCE :—

1. *Marriage—Marriage at the chapel of the British Factory, Petrograd—Certificate of an entry in register of the Diocese of London at Doctors Commons—4 Geo. 4, c. 67.*—Where the parties were married at the chapel of the British Factory, Petrograd, the court accepted a certificate of the entry in the register of the Diocese of London at Doctors' Commons, to which place particulars of marriages at the chapel of the British Factory had been sent in accordance with an ancient usage, and such marriages were declared valid by 4 Geo. 4, c. 67.—*HIGGS v. HIGGS, P.D.*, 715.

2. *Marriage in Hongkong—Proof of marriage by production of marriage ordinance of Hongkong.*—A marriage celebrated in Hongkong is proved by the production of the marriage ordinance of Hongkong, 1875, No. 7.—*L. v. L., P.D.*, 225.

#### EXECUTOR :—

1. *Co-executor residuary legatee—Claim by beneficiary under legatee's will—Account—Action to recover legacy—Statute of Limitations—Real Property Limitation Act, 1874 (37 & 38 Vict. c. 57), s. 8—Trustee Act, 1888 (51 & 52 Vict. c. 59), s. 1 (1).*—A testator appointed P. and R. executors of his will, and gave his residuary estate to R., his widow. P. administered the estate with the concurrence of R., and handed over to her a book containing particulars of the property, but never rendered any proper accounts. Some of the testator's securities were left in the names of the executors, who continued to hold them as trustees for R. On the death of R., leaving a will by which she appointed P. one of her executors, the other executor and a beneficiary under her will commenced an action against P. for an account of the testator's estate, and payment of the amount found due.

Held, the action was one to recover a legacy within the Real Property Limitation Act, 1874, s. 8, and therefore not statute-barred until twelve years from the testator's death. It is not necessary in such an action for the plaintiff to allege that the defendant has assets in his hands sufficient to meet the legacy, and the Trustee Act, 1888, has no application to it, there being another statute applicable.

*Re Croyden* (55 SOLICITORS' JOURNAL, 632) doubted.

Decision of Peterson, J., affirmed, subject to a variation, but on different grounds.—*RE RICHARDSON, C.A.*, 290; 1920, 1 Ch. 423.

2. *Leasehold houses—Future contingent liabilities—Distribution of the estate—Form of order.*—It is competent to an executor in certain circumstances to distribute his testator's estate without retaining any fund to meet future contingent liabilities in respect of leaseholds.

*Re Niron* (1904, 1 Ch. 638) applied, and, in the absence of precedent, form of the order in such a case settled by the judge.—*RE SALES, Anthbury, J.*, 308.

#### FORCIBLE ENTRY :—

*Master and servant—Cottage occupied by caddie master—Termination of service—Right to possession—Injury to furniture—Alleged independent wrong—"Damages"—5 Rich. 2, Stat. 1, c. 7.*—Damages cannot be recovered against a rightful owner for a forcible entry, as the statute of 5 Rich. 2, Stat. 1, c. 7, only makes it an indictable offence, and does not create any civil remedy for it.

*Beddall v. Maitland* (17 Ch. Div. 174) approved and followed. Decision of Peterson, J. (35 T. L. R. 549), reversed.—*HEMMINGS v. STOKES POOL GOLF CLUB, C.A.*, 131; 1920, 1 K. B. 720.

#### GAMING :—

*Crossed cheque given for racing bets—Bank credits customer's accounts with proceeds of cheque before collection—"Indorsee, holder or assignee"—Gaming Act, 1835 (5 & 6 Will. 4, c. 41), ss. 1, 2.*—Section 1 of the Gaming Act, 1835, provides that certain securities, which by previous statutes would have been absolutely void, shall be deemed and taken to have been made, drawn, accepted, given or executed for an illegal consideration.

Section 2: "In case any person shall . . . make, draw, give or execute any note, bill . . . for any consideration on account of which the same is [by certain statutes] declared to be void, and such person shall actually pay to any indorsee, holder or assignee of such note, bill . . . the amount of the money thereby secured, or any part thereof, the money so paid shall be deemed and taken to have been paid for and on account of the person to whom such note, bill . . . was originally given upon such illegal consideration as aforesaid, and shall be deemed and taken

to be a debt due and owing from such last-named person to the person who shall so have paid such money, and shall accordingly be recoverable by action at law.

The defendant paid into his banking account five crossed cheques. The cheques were drawn by the plaintiff to the defendant's order, and crossed, and were payments in respect of racing bets. It was the custom of the bank to credit the customer's account before the cheques were collected. On presentation by the bank the cheques were honoured. The plaintiff subsequently brought this action, claiming to recover the amount of the cheques from the defendant.

Held, that the bank was the holder of the cheque within section 2 of the Gaming Act, 1835, and therefore the plaintiff was entitled to get his money back.

Decision of *Avory, J.* (1919, 2 K. B. 622), upheld, but judgment entered for the plaintiff on a point of law not raised in the Court below.—*DEY v. MAYO, C.A.*, 240.

#### HUSBAND AND WIFE:—

1. *Maintenance—Parties living abroad—Foreign judgment obtained by wife—Action in England—Final or interlocutory judgment.*—By a judgment obtained by a wife against her husband in the High Court of Perak, Malay States, he was ordered to pay a monthly sum for the maintenance of the wife and the child of the marriage. In an action on this judgment for arrears, in England,

Held, that the judgment could not be enforced here, as it was not final and conclusive, since it could be abrogated or varied by the Court that pronounced it, on proof of a change of circumstances of the parties.—*HARROP v. HARROP, K.B.D.*, 586.

2. *Protection order—Concealment of facts—Setting aside—Matrimonial Causes Act, 1857 (20 & 21 Vict. c. 85), s. 21.*—A married woman in 1872 obtained a protection order from a magistrate on the ground of the alleged desertion of her husband by fraudulently concealing the real facts of this case. The effect of that order was to give the wife the position of a *feme sole*, so that she could dispose of her property as if her husband was already dead, and in the event of an intestacy her estate would pass to her next-of-kin and heir-at-law. No notice was given to the husband of the application to the magistrate, and the husband did not know of the protection order until after his wife's death. On proof of the facts the court set aside the protection order.—*HOPKINS v. BULBECK, P.D.*, 409.

INFANT.—See Appropriation.

#### INFORMATION:—

*Claim for penalties—Export of tea—Consignment to consignee at Copenhagen—Declarations—Failure to produce evidence that person and place named was the ultimate destination—Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36), s. 139—Customs (War Powers) Act (No. 2), 1915 (5 & 6 Geo. 5, c. 71), s. 1.*—On 26th April, 1915, the Commissioners of Customs and Excise made an order under section 139, Customs Consolidation Act, 1876, requiring all goods to be entered and cleared for shipment, and an entry made of certain particulars of the ultimate destination of the goods and a declaration on the part of the person who made the entry that the particulars were correctly stated.

The defendants, when about to export tea consigned to one Caroe, of Copenhagen, made a declaration that it would be exported to Copenhagen as the ultimate destination; that they exported the tea without any bond for it, and afterwards, when called on by the Commissioners, pursuant to section 1 of the Customs (War Powers) Act (No. 2), 1915, to produce evidence that the tea had not reached an enemy person or country, failed to produce such evidence. Thereupon the Attorney-General issued an information, claiming penalties equal to treble the value of the tea exported.

Rowlatt, J., held that as the defendants had complied with the letter of the law in making the declaration they did, and which had been accepted by the custom authorities, although he found that the defendants had failed to prove that they had taken all reasonable steps to secure that the ultimate destination of the tea should be the person in their declarations, the information would not lie, and was accordingly dismissed. The Crown appealed.

Held, though on different grounds, that the information had rightly been dismissed.—*ATTORNEY-GENERAL v. McEWAN, C.A.*, 667.

#### INSURANCE:—

1. *Accident policy—Re-insurance policy—Consent of underwriters to claim being litigated—Absence of notice by assured.*—Attached to a policy of re-insurance was a "costs clause," providing that in the event of a claim occurring likely to exceed the amount

retained by the insurance company, £250, at their own risk, no costs should be incurred without the consent of the underwriters, should the claim become adjustable previous to going into court, for a sum not more than £250, then no costs should be payable by the underwriters, but if it became so adjustable for more than £250 the underwriters, if they consented to the continuance of the proceedings, should contribute a proportion of the costs.

The plaintiffs, an insurance company, insured a tramway company against liability for accident and litigation expenses, and the defendant and other underwriters re-insured the plaintiffs' liability in excess of £250 in respect of any one accident up to £750 in any one year. No notice of a claim for £1,750 against the plaintiffs was given the underwriters until the pleadings were closed and date of trial fixed, and the solicitors for the underwriters replied that, having had no previous notice, they must not be taken to acquiesce in the litigation. The action resulted in judgment against the tramway company for £200 and £431 costs. The plaintiffs paid the tramway company these sums, together with the tramway company's costs, a total of £952, and claimed from the defendant his proportion of £702, being the excess over £250.

Held, that the underwriters' consent to incur costs was a condition precedent to the plaintiffs' right to recover under the policy of re-insurance, and the action therefore had been rightly dismissed.—*BRITISH GENERAL INSURANCE CO. v. MOUNTAIN, H.L.*, 176.

2. *Fire—Motor-car—Statement of present value—Renewal—Implied re-statement of value—Subsequent or prior increase in value—Liability.*—Where an owner insured a motor-car in November, 1915, and placed the figure £250 against the item "estimate of present value" and renewed at the same premium for the next three years each November, and the car was ultimately destroyed by fire in 1919 and £500 claimed, it was held (1) that there was an implied re-statement of value when the policy was last renewed, (2) that accordingly the owner was only entitled to recover if the increase in value had wholly accrued since the date of the last renewal.

*Pim v. Reid* (1843, 6 M. & Gr. 1) applied.—*RE WILSON AND SCOTTISH INSURANCE CORP., AUSTURY, J.*, 514.

#### LANDLORD AND TENANT:—

1. *Agricultural Holdings Act, 1908 (8 Ed. 7, c. 28), s. 21—Tenant's power of contracting out.*—Under the Agricultural Holdings Act, 1908, a tenant is prohibited from depriving himself of his right to claim compensation and his freedom of cropping and disposal of produce, but he can contract out of his right to remove fixtures; that is to say, he can exclude, and in this case was held to have excluded, himself from the benefits of section 21 of the Agricultural Holdings Act, 1908, by his contract of tenancy.

*Mears v. Callender* (1901, 2 Ch. 388) applied.—*PREMIER DAIRIES v. GARLICK, PETERSON, J.*, 375.

2. *Breach of covenant—Bankruptcy—Non-payment of rent—Forfeiture—Action for possession—Acceptance of rent—Waiver.*—A lease contained a proviso for re-entry if the lessee became bankrupt, or underlet, or the rent was in arrear for twenty-one days. On 30th July, 1918, the lessee was adjudicated a bankrupt, and on 21st January, 1919, two quarters rent were in arrear. On the latter date the lessor issued a writ claiming possession on the ground of forfeiture for non-payment of the rent, and claiming £77 10s., the two quarters' rent. The lessee, under section 212 of the Common Law Procedure Act, 1852, paid the rent and costs, and these proceedings came to an end. On 7th May, 1919, the plaintiff brought an action claiming possession on the ground of forfeiture by the lessee's bankruptcy.

Held, that the acceptance of rent in the former action, which had been brought for the recovery of possession as well as for rent, was not an acknowledgment of the existence of the tenancy after the bankruptcy, so as to prevent the lessor claiming forfeiture on the ground of the adjudication in bankruptcy.—*EVANS v. ENEVER, K.B.D.*, 464.

3. *Business premises—Expiry of term in June, 1920—Peaceable entry—New Act coming into force after expiration of tenancy—Statutory tenancy—Tenant—"Letting" of premises—Injunction—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (10 & 11 Geo. 5, c. 17), ss. 5, sub-sections (1) (2) (3); 12 (2) and 15.*—The respondent became the tenant of certain business premises under an agreement with the appellants, on a quarterly tenancy, which began on 25th December, 1915. His tenancy was terminated by a valid notice to quit expiring on 24th June, 1920. He did not give up possession, but continued to stay on. The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, the first Restriction Act applying to business premises, came into force on 2nd July, 1920. On that day, after the respondent had locked up and left the premises, the landlords caused the locks to be broken, and took possession.



Held, that the respondent was a "tenant" within the meaning of, and entitled to the protection of, the new Act, and was, therefore, entitled to an injunction to restrain the appellants from interfering with his possession of the premises.—*RENTON v. CITY OF LONDON REAL PROPERTY CO., C.A.*, 726.

4. *Church lands—Notice to quit—Validity—Sale to third party—Necessary consents to sale—Date of contract—Church Building Act, 1839 (2 & 3 Vict. c. 49), s. 15—Agricultural Land Sales (Restriction of Notices to Quit) Act, 1919 (9 & 10 Geo. 5, c. 63), s. 1*—On the making of a contract for the sale of an agricultural holding or part of a holding, held by a yearly tenant, after the passing of the Agricultural Land Sales (Restriction of Notices to Quit) Act, 1919, any current and unexpired notice to quit becomes null and void, unless the tenant agrees in writing after the Act, and prior to such contract, that such notice shall be valid. The Church Building Act, 1839, by s. 15, provides that for the validity of a sale of church lands to which the Act relates, the consents of certain named persons shall be necessary, these consents to be testified by their execution of the conveyance. Prior to the passing of the Agricultural Land Sales Act, 1919, a contract for the sale of land under the Church Building Act, 1839, was entered into with plaintiff by several, but not all, of the persons, whose consents were necessary to a sale. At that time the defendant was in occupation as a yearly tenant, but was under a proper notice to quit, which had been served upon him by the vendors. All the persons whose consents were requisite joined in the conveyance to the plaintiff, which was executed after the passing of the Agricultural Land Act, 1919.

Held, that the notice to the defendant to quit did not become null and void under the last-mentioned Act, as the contract of sale was entered into before the passing of that Act, and the plaintiff was therefore entitled to possession.—*BROOKS v. BLOOR, K.B.D.*, 685.

5. *Covenant by lessee to insure and rebuild—Requisition of premises by War Office—Destruction by fire—Liability of lessee—Act of State*.—By a lease dated 25th March, 1898, a term was created which expired on 24th March, 1919. The lessee covenanted to insure against fire and to yield up the premises on the expiration of the term in good repair. During the term the War Office requisitioned the premises and insisted on the lessee quitting. In February, 1919, while the War Office was in possession, the premises were destroyed by fire. On a claim by the lessor against the lessee for damages for breach of the covenant to insure and to deliver up the premises in good repair.

Held, that the action on the covenant failed, as the requisitioning by the War Office was an act of State which excused the performance of the covenant by the lessee.—*CURLING v. MATHEY, K.B.D.*, 616.

6. *Covenant not to assign without consent—Unreasonable ground for refusal*.—Where in a lease of a tied house there was a covenant not to assign without the consent of the brewery, and the brewery refused to give their consent to the assignment to one H. Appenrodt (1) because his name and nationality of origin would tend to depreciate the trade of the house, (2) because of the present requirements of the licensing justices that a covenant should be placed in leases that licensees should be resident in their licensed premises although there was no such covenant in the lease in this case, and (3) because the purchaser was interested in other licensed premises and could not give attention and supervision to this house.

It was held that the refusal on each of the three grounds was wholly unreasonable, and that the plaintiff was accordingly entitled to assign to H. Appenrodt without licence.—*MILLS v. CANNON BREWERY, Lawrence, J.*, 447.

7. *Dwelling-house—Implied statutory covenant—"Fit for human habitation"—House invaded by rats—Housing, Town Planning, &c., Act, 1909 (Ed. 7, c. 44), ss. 14, 15*.—The defendant let a house to the plaintiff at a rental which brought it within sections 14 and 15 of the Housing, Town Planning, &c., Act, 1909. By those sections it is provided that a covenant shall be implied that a house so let shall, both at the commencement and during the continuance of the tenancy, be in all respects reasonably fit for human habitation. Rats in considerable numbers came into the house from a sewer which ran under the house in question and adjoining houses, and the case was dealt with on the footing that the home of the rats was in this sewer and not in the house.

Held, that there had been no breach of the implied covenant in the Act, as the rats came from outside, and there was no evidence that the house was infested with rats in the sense that they formed part of it and bred there.—*STANTON v. SOUTHWICK, K.B.D.*, 498.

8. *Emergency legislation—"Increase of rent"—Holding over by tenant after himself giving notice to quit—Distress for Rent Act, 1737, (11 Geo. 2, c. 19), s. 18—Increase of Rent and Mortgage*

*Interest (War Restrictions) Act, 1915 (5 & 6 Geo. 5, c. 79), s. (1) (3)—Increase of Rent, &c., Amendment Act, 1918 (8 Geo. 5, c. 18), s. 1*.—In the case of a tenant who has given notice to quit and fails to do so at the expiration of his notice, the right that is given in such a case to the owner of the premises to claim double "rent" so long as he continues in possession, given by the Distress for Rent Act, 1737, is not suspended by the provisions of the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915.

Decision of Divisional Court (reported 1919, W. N. 139, 35 T. L. R. 467) reversed.—*FLANNAGAN v. SHAW, C.A.*, 51.

9. *Expiration of term—Contract with new tenant induced by representations of original tenant—Refusal to give up possession—Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915—1919 (5 & 6 Geo. 5, c. 97; 8 Geo. 5, c. 7; 9 Geo. 5, c. 7)*.—Shortly before the expiration of the lease of a dwelling-house and premises, the tenant requested the landlord to let the premises for a new term to a person whom he named. In consequence of this request the landlord entered into an agreement of tenancy with the person named. On the expiration of the former term, the tenant thereunder refused to give up the premises, because he could not obtain possession of another house which he had bought, owing to the provisions of the Increase of Rent and Mortgage Interest (War Restrictions) Acts, 1915–1919. In an action by the landlord to recover possession.

Held, (1) that the Court had power to make an order for possession under the above named Acts; (2) that, as the tenant had induced the landlord to make the contract with the new tenant, and had then refused to deliver up the premises, whereby the landlord became liable to an action for breach of contract, this constituted a reasonable and satisfactory ground for making an order for possession.

*Stovin v. Fairbairn* (63 SOLICITORS' JOURNAL, p. 682) considered.—*GREEN-PRICE v. WEBB, K.B.D.*, 19.

10. *Increase of rates—Increase of rent—Compounding landlord—Right to transfer increase of rates to tenant—Poor Rate Assessment and Collection Act, 1869 (32 & 33 Vict. c. 41), ss. 3, 4, 5, 8, 11—Increase of Rent, &c. (War Restrictions) Act, 1915 (5 & 6 Geo. 5, c. 97), s. 1 (iv.) (vi.)*.—The plaintiff, the landlord of a dwelling-house, had, under section 3 of the Poor Rate Assessment and Collection Act, 1869, agreed with the overseers to pay the poor rate, whether the house was occupied or not; and the overseers had agreed to allow him a commission of 25 per cent. on the amount so paid. Before the war the rates paid by the plaintiff came to £1 9s. 8d. per half-year, but had twice been increased half-yearly to £2 17s. 2d., and the plaintiff, under section 1, sub-section (1) (iv.), of the Increase of Rent, &c., Act, 1915, raised the rent of his tenant, the defendant, so as to transfer the whole of the £1 7s. 6d. additional rate to him.

The defendant contended that, since the plaintiff, as a compounding landlord, was receiving 25 per cent. commission, he could only raise the rent by the net amount of the increase, and not the full amount.

Held (Scrutton, L.J., dissenting), that the word "rates" in the Act of 1915 meant the actual amount of the rates paid by the landlord.

Decision of the Divisional Court (reported 18 L. G. Rep. 418) reversed.—*NICHOLSON v. JACKSON, C.A.*, 699.

11. *Landlord's claim for possession—No order made against tenant—Costs—County Courts Act, 1888 (51 & 52 Vict. c. 43), s. 113—Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915 (5 & 6 Geo. 5, c. 97)—Rules of 1916, r. 17*.—On a claim by a landlord for possession of a dwelling-house, under the increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, the county court judge refused to make an order against the defendant but he made no order as to costs.

Held, that the costs followed the event, in accordance with section 113 of the County Courts Act, 1888, in default of any special direction by the judge; and that section 113 was not affected by rule 17 of the Increase of Rent and Mortgage Interest (War Restrictions) Rules, 1916, which provides for the determination of the costs by an order of the county court judge.—*BENSUSAN v. BUSTARD, K.B.D.*, 669.

12. *Lease—Requisition by Government—Eviction—Title paramount—Frustration of contract—Liability for rent*.—By leases made in 1915 for three years, two flats were demised to a tenant, with a covenant by him to pay the rent. The leases also contained a provision that the tenant should purchase from the landlord all food and other domestic stores, wines, and spirits, &c., which the tenant might require for use upon the premises at tariff prices. The military authorities, in May, 1917, by notice requisitioned the flats requiring immediate possession, and the tenant left the flats accordingly. He paid the rent up to this time, but refused to pay it afterwards. The military authorities were still in possession when the leases expired in June, 1918. In an action for the rent,

Held, that the landlords were entitled to recover the rent, as there had been no eviction by title paramount, and that there was no determination of the tenancy owing to the frustration of the purpose of the contract, as this doctrine was not applicable to a contract which created an estate or term by demise.—*WHITEHALL COURT v. ETLINGER, K.B.D.*, 147; 1920, 1 K. B. 680.

13. *Lease—Tenant holding over after term—Agreement for quarterly tenancy in correspondence—Assignee of reversion—Action of covenants in lease—Conveyancing Act, 1881 (44 & 45 Vict. c. 4), s. 10.*—By an indenture of lease of 24th February, 1913, premises were demised to the defendant for five years with covenants on the part of the defendant (*inter alia*) to keep the premises in repair, and leave them in good order and condition. The lease expired on 25th December, 1917, but, partly as the result of correspondence and orally, it was agreed that the defendant should continue as a quarterly tenant, subject to notice on each side to quit. In June, 1918, the defendant gave a notice to quit, which expired on 29th September, 1918. Before this notice had expired, by an indenture, dated 10th July, 1918, the administrators of the lessor, who demised the premises to the defendant, granted their leasehold estate and interest in the premises, less three days of their term, to the plaintiff, "subject to and with the benefit of the said indenture of 24th February, 1913." The plaintiff sued the defendant for breaches of the covenant to repair contained in the latter lease.

Held, that the plaintiff, as assignee of the reversion of the expired lease to the defendant, was not entitled to sue the defendant for breaches of the covenant to repair in the expired lease, under the statute 32 Henry 8, c. 34, or under section 10 of the Conveyancing Act, 1881, the defendant's quarterly tenancy not being under seal as required by the former statute, nor an agreement in writing as required by the latter.—*COLE v. KELLY, K.B.D.*, 52; 1920, 2 K. B. 106.

14. *Notice to quit—Sale—Agricultural Land Sales (Restriction of Notices to Quit) Act, 1919 (9 & 10 Geo. 5, c. 63), s. 1.*—Section 1 of the Agricultural Land Sales (Restriction of Notices to Quit) Act, 1919, rendering null and void notices to quit in the event of sales, applies (1) where the sale is a sub-sale of an interest under a previous contract; (2) to equitable as well as legal owners; (3) where notice is by one person and sale by another; (4) to the whole holding, although the sale is only as to a part.—*ROBINSON v. NESBITT, Russell, J.*, 291.

15. *Property tax—Tenants omission to deduct from next rent—Claim to deduct from subsequent payments—Revenue Act, 1911 (1 Geo. 5, c. 2), s. 14, sub-section 2—Income Tax Act, 1918 (8 & 9 Geo. 5, c. 40), s. 211, sub-section 2—First Schedule, Schedule A, No. VIII., r. 1.*—A tenant who pays his landlord's property tax and omits to deduct it from his next payment of rent has no right to deduct it from any subsequent payment of rent.—*HILL v. KIRSCHENSTEIN, C.A.*, 584.

16. *Recovery of possession—Arrears of rent—"Continues to pay rent"—Proceedings pending in any court—New trial—Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915 (5 & 6 Geo. 5, c. 97), s. 1, sub-section (3)—Increase of Rent, &c. (Amendment) Act, 1919 (9 & 10 Geo. 5, c. 90), s. 1, sub-section (1)—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (10 & 11 Geo. 5, c. 17), s. 5, sub-section (1); s. 19, sub-section (3).*—In an action in the county court for recovery of possession of a dwelling-house under the Increase of Rent, &c. (War Restrictions) Act, 1915, the county court judge held that the tenant, although he was in arrears with his rent, was entitled, on giving an undertaking to pay the rent in the future, to the protection of section 1, sub-section (3), of that Act. On appeal from this judgment,

Held, that the Act did not protect a tenant who was in arrears with his rent at the commencement of the action for possession; and also that as the Increase of Rent, &c. (Restrictions) Act, 1920, had come into force since the county court judge's decision, the Divisional Court was enabled by that Act to send the case back for the county court judge to decide whether it was reasonable under section 5, sub-section (1), to make an order for possession.—*BENARO v. HORSLEY, K.B.D.*, 727.

17. *Standard rent—Agreement to increase—Material date—Meaning of "progressive rent"—Increase of Rent and Mortgage Interest (Restriction) Act, 1919 (9 Geo. 5, c. 7), ss. 4 (1), 7.*—The defendant was the tenant of a house at Northwood under a three years' agreement, dated 15th March, 1912, made with the plaintiff's predecessor in title at a rent of £50 a year. The tenant, after the tenancy had expired, remained on as a yearly tenant till October, 1918, when an agreement was entered into with the plaintiff by the agent of the defendant, the defendant being then on active service, that the defendant should continue as a tenant at £50 per annum till the 25th March, 1919, and for one year after that at £65 per annum.

On 2nd April, 1919, the Increase of Rent, &c. (Restriction) Act, 1919, came into force. The defendant, relying on section 4 of that Act, tendered rent for June and September quarters at the rate of £55 per annum—namely, at the rate of £50 plus 10 per cent. allowed by the section.

Held (Warrington, L.J., dissenting), that the words of section 4 (1) of the Increase of Rent, &c. (Restriction) Act, 1919, with regard to an increase of rent after 25th December, 1919, were to be construed with reference to the date when the increase came into effect, and not the date when an agreement for an increase of rent was made.

Held, further, that an agreement for a definite increase of rent for one particular period of twelve months did not create a progressive rent within section 7 of the same Act, and therefore the agreement was unenforceable.—*GOLDSMITH v. ORR, C.A.*, 615.

See also Emergency Legislation; Lease.

#### LEASE :—

*Theatre—Covenant to maintain prices of admission—Increase of prices—Breach.*—A covenant to maintain the prices of admission to a theatre, and not to reduce the same without the consent of the lessor, is not broken by reason of the prices being increased, because it is in effect a covenant to keep such prices up or to keep them from declining, that being the more usual construction of the word "maintain."—*RE DOTT'S LEASE, Peterson, J.*, 68; 1920, 1 Ch. 281.

LIMITATIONS, STATUTE OF.—See Executor; Mortgage.

#### LOCAL GOVERNMENT :—

*Streets—Duty of lighting—Reasonableness and sufficiency of lighting—Negligence—Question for jury—Metropolis Local Management Act, 1855 (18 & 19 Vict. c. 120), ss. 130, 250.*—In section 130 of the Metropolis Local Management Act, 1855, which imposes on local authorities the duty of well and sufficiently lighting the streets in their districts, the words "at and during such times as such vestry or board may think fit, necessary or proper," are to be interpreted as meaning that the times of lighting are at the discretion of the local authorities, but, subject thereto, that there is an obligation on them well and sufficiently to light the streets according to the nature and character of the particular street. The question whether the lighting is reasonable and sufficient, in the case of an accident alleged to be due to insufficient lighting, is for the jury.

*Baldock v. Westminster City Council* (63 SOLICITORS' JOURNAL, 69; 81 L. J. K. B. 502) discussed.—*CARPENTER v. FINSBURY BOROUGH COUNCIL, K.B.D.*, 426; 1920, 2 K. B. 195.

#### LUNACY :—

*Jurisdiction of justices—False imprisonment—Claim for damages—Detention order by chairman of board of guardians—Medical officer's certificate—Allegation of want of reasonable care—No allegation of mala fides—Lunacy Act, 1890, ss. 20, 330—Lunacy Act, 1891, s. 25.*—The plaintiff brought an action for damages for false imprisonment, alleging that the defendants—the chairman of the board of guardians, who made the reception order, and the doctor who gave the certificate of insanity—had wrongfully caused his confinement in a workhouse asylum.

Held (Atkin, L.J., dissenting), that the action failed against the first defendant, who made the reception order, because in so doing he was acting in a judicial capacity, and consequently the question of reasonable care did not, in the absence of evidence that he acted other than honestly, arise for consideration; and the action failed also against the second defendant, because his certificate was not the proximate cause of the appellant being confined in the asylum.

Decision of the Lord Chief Justice affirmed.—*EVERETT v. GRIFFITHS, C.A.*, 445.

#### MASTER AND SERVANT :—

1. *Negligence of servant—Hire of services of workman by temporary employer—Control of workman—Liability of permanent employer.*—In pursuance of a contract between a firm of team owners and the representative of a public department, the services of a workman and horses were hired from the employer by the department to do work in docks. The workman was instructed by the representative to move loaded railway wagons out of a dock shed, and marshal them on a siding outside. While so occupied he was guilty of negligence, causing an accident by which the plaintiff was seriously injured.

Held, that the control of the workman, though not in fact exercised by any person, remained in the permanent employer, who was therefore liable in damages for his servant's negligence.

*Denar v. Tasker* (23 T. L. R. 252) followed.—*POULSON v. JARVIS & SONS, C.A.*, 223.



**2. Rules of association of employers—Restraint of trade—Employer induced to dismiss servant—Coercion—Peaceable persuasion—Protection of mutual interests—Trade union.**—One of the rules of an association of employers in the same trade and in the same district was that, if an employee left his employer, no other member of the association should employ him for a period of twelve months. A member having disregarded this rule, and having engaged the services of a traveller who had lately left the employment of another member, and who at once began to canvass his former customers, the association held a meeting, and persuaded the employer to carry out the rule and give notice of dismissal to the employee. The latter then brought an action for an injunction against the officers of the association.

Held, that, although the rule was unenforceable at law as being in unreasonable restraint of trade, no action would lie, as no threats or coercion or other illegal means were used to obtain the employee's dismissal, otherwise a rightful act.

Decision of P. O. Lawrence, J., affirmed.

*Allen v. Flood* (1898, A. C. 1) applied.—*DAVIES v. THOMAS, C.A.*, 529; 1920, 1 Ch. 217.

See also *Forcible Entry; Tort*.

## MINES:—

**1. Right of support in surface owner—Nature of right to let down surface—Single or double fine necessary.**—A power in a deed of 1788 to enter for the working of minerals "in as full and complete a manner as if these presents had not been made," gives a right to work mines so as to cause subsidence.

*Beard v. Moira Colliery Co.* (1915, 1 Ch. 257) followed.

Where a document is unambiguous, the Court is not entitled to receive evidence for the purpose of giving to it a meaning contrary to the plain meaning of the words used, and accordingly evidence was inadmissible in this case to shew that mining being in 1788 in its infancy, the parties could not have had in contemplation the letting down of the surface by workings. A right of support is not an easement, but is either one of the incidents or rights of property or ownership, or is merely a right to enjoy the land in its natural state, with a right of action against a neighbour whose acts cause injury, and is a right of which the surface owner can deprive himself and his successors by apt words.

A deed of grant of a right to let down the surface or a deed of release of the right to support in 1788 is effectual even though a single fine only has been levied. A double fine is not essential.—*DAVIES v. POWELL DUFFRYN STEAM COAL CO., Russell, J.*, 390.

**2. Wages varying with amount of minerals gotten—Deductions for stone and dirt—Determination of deductions—Use of the doctrine of average—Coal Mines Regulations Act, 1887 (50 & 51 Vict. c. 58), ss. 12, 13, 14—Coal Mines (Weighing of Minerals) Act, 1908 (5 Ed. 7, c. 9).**—By section 12 of the Coal Mines Regulation Act, 1887, a duty is imposed upon the colliery-owner to weigh the whole contents of the hutch filled by the collier, and to pay him for all the coal gotten by him. The respondent was a miner employed by the appellants, and he claimed that unless they separated the stones and dirt from the contents of his hutch he was entitled to be paid for the whole weight of the hutch. He brought an action in the Scottish Courts to recover £6 17s. 2d., on the ground that it represented a deduction unauthorized by the Act.

Held, that as in the present case there was no agreement between the coal-owners and the miners for any special mode of ascertaining the amount of coal in a hutch, and as in a dirty mine there was only one practical way of working it out—namely, to take an average for stones and dirt to be fixed by the mine-owners and the miners' representative—and to pay the miner for the coal he had gotten on that basis, the appeal of the mine-owners must, therefore, be allowed, and the case remitted for an agreement to be arrived at as to the average to be deducted.

Decision of the Second Division of the Court of Session (1919, 1 Sc. L. T. 66) reversed, and action dismissed with costs.—*COLTNESS IRON CO. v. DOBBIE, H.L.*, 547.

## MORTGAGE:—

**1. Interest—Arrears—Surplus proceeds of sale—Claim by second mortgagee to more than six years' interest—Summons—Action to recover interest—Real Property Limitation Act, 1833, s. 42.**—A first mortgagee, exercising his power of sale, is a trustee of the surplus proceeds of sale for the second mortgagee, and cannot refuse to hand over such proceeds on the ground that the second mortgagee is only entitled to six months' arrears of interest.—*Re THOMSON'S MORTGAGE, Eve, J.*, 375; 1920, 1 Ch. 508.

**2. Priorities—Notice—Proof of knowledge—Sole trustee a versioner.**—The rule in *Dearle v. Hall* (3 Russ. 1) applies to real estate devised upon trust for sale as well as to an interest in money.

Proof of notice of an incumbrance is not necessary to preserve priority; it is sufficient to prove an intelligent apprehension of the nature of the incumbrance which a reasonable or ordinary man of business would act upon.—*IPSWICH MONEY CLUB v. ARTHY, Lawrence, J.*, 586.

See also *Solicitor*.

## NEGLIGENCE:—

**1. Station—Moving staircase—Children habitually playing on staircase—Ineffectual attempts to keep children away—Alleged acquiescence in trespass—Child injured—Whether company liable.**—The plaintiff, a child of six years of age, was with other children playing on the moving mechanical staircase at defendant's Liverpool-street station, when he placed his hand in such a position that it was caught by the moving strap which formed the handrail to the staircase, and it was so severely crushed that it had to be amputated.

Held, on the evidence, that the railway company were not guilty of negligence, and had done what they could to stop children playing on the staircase, that the child was therefore a trespasser, and that the company were not liable.

Decision of Shearman, J., awarding the plaintiff £300 damages, set aside.

*Cook v. Midland Great Western Railway* (53 SOLICITORS' JOURNAL 319; 1909, A. C. 229) not followed.—*HARDY v. CENTRAL LONDON RAILWAY, C.A.*, 683.

**2. Railway company—Starting train with a jerk—Passenger injured by sliding-door of carriage.**—The plaintiff entered a carriage of an electric train at one end, and, when he was turning from the vestibule to go to a seat, the train was started suddenly without warning. He was thrown off his balance, and to save himself put out his hand, and it was caught by the sliding door and crushed, the door being shut by the momentum of the train in starting. In an action for negligence in starting the train without warning a jury at the Mayor's Court awarded the plaintiff £35 damages. The Divisional Court (1920, W. N. 24) set aside the judgment, being of opinion that when the plaintiff had got into the carriage there was, in the circumstances, no duty on the railway company to give him warning, and the plaintiff could not recover.

Held, allowing the appeal, that there being evidence on which the jury in the particular circumstances of this case could infer negligence, their verdict could not be disturbed.—*DELANEY v. METROPOLITAN RAILWAY, C.A.*, 477.

See also *Tort*.

## PARTNERSHIP:—

**Bill of exchange—Endorsement by firm—Disolution—Notice to holders—Dishonour of bill—Notice to continuing partner—Renewal of bill by continuing partner—Discharge of retiring partner—Partnership Act, 1890 (53 & 54 Vict. c. 39), ss. 16-17, 38—Bills of Exchange Act, 1882 (45 & 46 Vict. c. 61), s. 49, sub-section 11.**—Where a bill of exchange, endorsed by a partnership to a creditor of the partnership, is dishonoured, and before the bill has become payable the partnership is dissolved, if the bill is duly presented by the holder, and all other formalities properly observed, and if notice of dishonour is given to one partner, such notice of dishonour will bind the partners who had previously been carrying on the business.

By the terms of a dissolution of partnership the continuing partner has to carry on the business in the old firm's name; all the assets of the firm were to belong to him, he was to pay all the debts and liabilities of the firm, and indemnify the retiring partner therefrom; and neither was authorized to incur liabilities on behalf of the other from the date of the dissolution. Notice of the dissolution, and of the terms thereof, signed by both partners, was sent to the holders of a bill of exchange then current which would become due after the dissolution. The holders immediately informed the partners that they should hold both of them jointly and severally liable for the obligations they (the holders) had incurred on behalf of the partners. The holders of the current bill, before it became due, by arrangement with the continuing partner, took a fresh bill from the continuing partner falling due at a later date, by way of renewal, and in place of the current bill.

Held, that after the notice of the terms of the dissolution given to the holders of the bill, the retiring partner became a surety only to the holders for the continuing partner, and by the holders giving time to the continuing partner the retiring partner was discharged from his liability as such surety.—*GOLDFARN v. BARTLETT, K.B.D.*, 210; 1920, 1 K. B. 639.

## PATENT:—

1. *Application for prolongation—Time for petitioning—Effect of statutory prolongation—Patents and Designs Act, 1907 (7 Ed. 7, c. 29), ss. 17 and 18—Patents and Designs Act, 1919 (9 & 10 Geo. 5, c. 80), s. 6.*—Where an application for prolongation of a patent had been prepared and the advertisements required before the petition issued, and a new Act for extending the duration of patents for two years was passed a few days before the petition was filed, thereby rendering the petition premature.

Held, that, even though the expenses of advertising would be thrown away, the petition must stand over generally, with liberty to apply to restore later on.—*RE SMITH'S PATENTS Sargant, J., 324.*

2. *Extension of term—Patents and Designs Act, 1907, s. 18—Patents and Designs Act, 1919, ss. 6, 7.*—The term of a patent can be extended under the Patent and Designs Act, 1919, after the patent has expired and by originating summons.—*RE BROWN'S PATENT, Sargant, J., 462.*

3. *Practice—Patents and Designs Act, 1919 (9 & 10 Geo. 5, c. 30), s. 7.*—Applications under section 7 of the Patents and Designs Act, 1919, should generally be made, like those under the previous practice, quite a short time before the expiration of the patent.—*RE DAVIDSON'S PATENT, Sargant, J., 714.*

4. *User by the Crown—Dispute—Patents and Designs Act, 1919 (9 & 10 Geo. 5, c. 80), ss. 8 and 21.*—The jurisdiction under section 8 of the Patents and Designs Act, 1919, can be exercised by any judge of the High Court, and is not vested solely in the judge to whom patent matters are specially assigned.

Where an Act of Parliament alters a matter of procedure, the new procedure applies to cases where rights have previously arisen; but where the Act alters the rights of the parties, matters which had taken place before the Act are to be dealt with in accordance with the previously existing law, and matters which took place after the Act are to be dealt with under the Act.—*RE HALE'S PATENT, Sargant, J., 714.*

POWER.—See Appointment.

## PRACTICE:—

1. *Appeal—Case stated by an arbitrator—Arbitrator desiring case to go back in one event—Consultative jurisdiction of court—Arbitration Act, 1889 (52 & 53 Vict. c. 49), ss. 7, 19.*—On an appeal from a special case stated by an arbitrator, a preliminary objection was taken to the hearing of the appeal on the ground that the case stated was not a final award under section 7 of the Arbitration Act, 1889, but was a case stated for the opinion of the court under section 19. The arbitrator did not state under which section he intended to proceed.

Held, that no appeal lay, the case not being in the form of a special case within section 7, but a special case under section 19, under which the jurisdiction of the court was consultative only.—*OWNERS OF S.S. "LORD" v. NEWSUM & SONS, C.A., 714.*

2. *Discovery—Interrogatories—Action for slander—Plea of privilege—Of whom was the information obtained by defendant—Object of interrogatory—Bona fides.*—Although in an action for slander to which the defendant has pleaded privilege, the plaintiff will not be allowed to interrogate the defendant as to the name of the person on whose information he published the words complained of, if it appears that the plaintiff's object was not to rebut the plea of privilege, but to obtain discovery which would enable him to bring an action against another person, nevertheless the plaintiff is entitled to ask "of whom" the defendant obtained the information if the evidence does not establish that the question was not put bona fide.

Held, therefore, that the interrogatory, "Of whom were such inquiries made," was admissible, as it did not in form ask the name of the informant, and could not be objected to merely on the ground that the plaintiff might thereby indirectly obtain the name of the defendant's informant.

*Edmondson v. Birch & Co. (1905, 2 K. B. 523) distinguished.—CHAPMAN v. LEACH, C.A., 207; 1920, 1 K. B. 336.*

3. *Discovery—Interrogatories—Negligence—Running-down action—Alleged rule of practice not to allow interrogatories—Order 31, rr. 1, 2.*—The plaintiff was knocked down and injured by the defendant's motor-car as she was crossing the road, having just alighted from an omnibus travelling in the opposite direction. The plaintiff applied for leave to administer certain interrogatories directly relevant to the issues raised on the pleadings. The Master refused leave on the ground that there was a rule of practice in the King's Bench Division not to allow interrogatories in accident cases except for special reasons.

Bailhache, J., affirmed the order, but gave leave to appeal.

Held, allowing the appeal, that there was no such rule, and ord.

31, r. 2, applied, by which only such interrogatories should be allowed as were "considered necessary either for disposing fairly of the cause or matter or for saving costs."—*GRIEBART v. MORRIS C.A., 275; 1920, 1 K. B. 659.*

4. *Discovery—Professional privilege—Co-trustees—One trustee acting as solicitor to all the trustees—Allegations of fraud—Sufficiency of allegation.*—A solicitor, who was one of the trustees of a will, acted as solicitor for all the trustees. Upon an order for discovery, professional privilege was claimed by the trustees in respect of certain communications which had passed between the solicitor and his co-trustees.

Held, that the communications were privileged, notwithstanding that the solicitor was a trustee of the will.

*Re Postlethwaite (35 Ch. D. 722) discussed.*

*Semble*, where illegality or fraud is put forward as a ground for defeating the privilege attaching to the communications, it must be definitely charged. A mere suggestion of illegality or fraud is insufficient.—*O'ROURKE v. DARBISHIRE, H.L., 322.*

5. *Linked judges—Notice of motion—Motion for judgment—Non-appearance of defendant—Name of judge to whom action assigned.*—A notice of motion for judgment, unlike a notice of motion for an interlocutory order in the action, must state the name of the judge who is actually sitting to hear motions for judgment on the day named in the notice, and is not sufficient if it merely states the name of the "linked" judge where the defendant does not appear.

*Re Madame Romney (Limited) (1915, W. N. 389) distinguished.—JACKSON v. WEBSTER, Sargant, J., 715.*

6. *System of linked judges—Motion for judgment—Notice of motion—Name of judge to whom action assigned—Non-appearing defendant.*—Where a motion states that the Court will be moved before the judge to whom the action is assigned on a day named, if the motion is for a final order, as distinguished from an interlocutory order, the motion must be heard before that judge, and the judge with whom that judge is "linked" has no jurisdiction to deal with the motion.—*JACKSON v. WEBSTER, Vacation Judge, 713.*

7. *Notice of breaches of covenant—Pleading—Order 19, r. 14.*—A statement of claim for possession on the ground of breaches of covenant is not demurrable merely on the ground that the statutory notice of such breaches which is required to be given by section 14 of the Conveyancing Act, 1881, is not pleaded, because such a statutory notice is a condition precedent to the plaintiff's cause of action, and is implied in accordance with ord. 19, r. 14.

*Fox v. Jolly (1916, A. C. 1) distinguished.*

*Jolly v. Brown (1914, 2 K. B. 120) applied.—GATES v. JACOBS (LIMITED), Lawrence, J., 425; 1920, 1 Ch. 567.*

8. *Summons to add party as co-plaintiff—Party abroad—Requisite consent—R.S.C., ord. 16, r. 11.—Order 16, r. 11,* provides that "No person shall be added as a plaintiff . . . without his own consent in writing thereto."

Upon a summons taken out by the plaintiff, asking that his son, F. L. W., then abroad, should be added as co-plaintiff, Bailhache, J., made an order directing that F. L. W. be joined as co-plaintiff, and his consent within two months obtained thereto, proceedings in the action to be stayed meanwhile.

Held, that the objection against the form of the order must be upheld, although there was no real substance in it, and that the order should be amended by directing that, on the production of F. L. W.'s consent in writing within two months, he should be joined as co-plaintiff, and that proceedings in the action should be stayed for that period.—*WOOTTON v. JOEL, C.A., 256.*

## PRINCIPAL AND AGENT:—

*Confidential instructions containing libellous statements—Publication owing to negligence of agent—Recovery of damages by persons libelled—Action by principal against agent for indemnity—Measure of damages.*—The appellant employed the respondent an accountant, to investigate the affairs of a company which he had largely financed. The respondent's partner, who was entrusted to make the investigation, mislaid a letter of instruction from the appellant to the respondent, which contained libellous statements about third parties. The letter was read by Mr. Hurst, the manager of the company, and its contents communicated to the third parties, with the result that the two persons defamed sued the appellant, and recovered damages and costs against him, which amounted to some £1,770. The appellant then sued the respondent for breach of an implied duty to keep secret the letter of instruction. The trial was before Darling, J., and a jury, and the jury found for the appellant, with £650 damages, but the learned judge, holding that the action was not maintainable, entered judgment for the respondent.

The Court of Appeal (Scrutton, L.J., dissenting) considered that the action was maintainable, and that the appellant was entitled to



to nominal damages for breach of duty to keep secret the contents of a confidential letter, and they awarded him 40s. But they held that any further damages, being in the nature of an indemnity for the consequences of his own wrongful act, could not be recovered by him.

Held (Lord Finlay and Lord Parmoor dissenting), that the appeal failed. The appellant could not complain that he had been ordered to pay by a court of law damages and costs in the libel actions, and could not therefore recover from the respondent damages which resulted from the appellant's wrongdoing. Assuming that the damages were not simply caused by the appellant's publication of the libel, they were due to the intervention of the manager, and there was no evidence in law to support the finding of the jury on this point. On the question whether there was a duty as agent to keep secret confidential communications, the decision of the Court below was also upheld.

Decision of the Court of Appeal (63 SOLICITORS' JOURNAL, 301; 1919, 1 K. B. 520) affirmed.—WELD-BLUNDELL v. STEPHENS, *H.L.*, 529.

#### PROBATE :—

*Will—Execution—Subsequent insanity of testator—Proof of revocation.*—Where a testator has his last will in his possession, and afterwards becomes insane, and the will is not forthcoming after his death, the onus is on those who allege revocation to satisfy the Court that the testator destroyed his will while of sound mind.—*Sprigge v. Sprigge* (1 P. & D. 608) followed.—IN THE ESTATE OF TAYLOR, *P.D.*, 148.

#### PROFITEERING :—

1. *Articles supplied at cafe—Rule for certiorari—Discharge—Appeal.*—"Criminal cause or matter"—*Supreme Court of Judicature Act, 1873* (36 & 37 *Vict. c. 66*), s. 47.—*Profiteering Act, 1919* (9 & 10 *Geo. 5, c. 66*), s. 1.—A complaint was made against a company to a Profiteering Committee, who passed a resolution that an excessive charge had been made, and they made an order requiring the company to repay the overcharge, and directed a prosecution. A rule *nisi* was obtained to bring up the order to be quashed, but the rule was irregular in form and was therefore discharged by a Divisional Court. Thereupon the company entered this appeal. A preliminary objection was taken to the hearing of the appeal on the ground that the order was in a criminal cause or matter.

Held, that the preliminary objection must be allowed, as the order was made under sub-section (3), of section 1, of the Profiteering Act, 1919, and clearly came within the definition of what constitutes a criminal cause or matter.

*Wilson v. Lancashire and Yorkshire Railway Co.* (*ante*, p. 358, 36 T. L. R. 412) distinguished.—*REX v. NEWCASTLE-UPON-TYNE PROFITEERING COMMITTEE, C.A.*, 584.

2. *Profiteering committee—Jurisdiction—"Article"—Sale—Restaurant—"Meal"—Order to cook and supply sausages—"Ready cooked or prepared food"—Profiteering Act, 1919* (9 & 10 *Geo. 5, c. 66*), s. 1.—*Order of Board of Trade, 1919, Sched. II.*—A party of people gave an order in a restaurant for the cooking and supply of sausages, as well as the supply of other items of food specifically mentioned in the schedule to the Profiteering Act, 1919. The bill was made out separately charging the various articles supplied, and the party, considering they were overcharged, made a complaint to Profiteering Committee.

Held, that there had been a sale of some articles specifically mentioned in the schedule, and of the sausages which came under the description of "ready cooked or prepared food," and this was sufficient to give the Committee jurisdiction to entertain the complaint, although all the articles supplied might not come within the schedule.—*REX v. MANCHESTER PROFITEERING COMMITTEE, K.B.D.*, 132.

3. *Sale of articles at station restaurant—Profiteering Act, 1919* (9 & 10 *Geo. 5, c. 66*), s. 1.—By Schedule II. of the order of the Board of Trade made under the Profiteering Act, 1919, on 11th September, 1919, "ready cooked or prepared food" is brought within the Act. A meal for four persons consisting of seven sausages and some chipped potatoes, which had to be cooked before they were served, four pieces of bread, six small cakes, and a pot of tea had been ordered and consumed at a railway station refreshment room. A complaint was made to the Profiteering Committee that the total charge of 12s. 1d. was excessive. The railway company, the owners of the restaurant, obtained a rule for a writ of prohibition directed to the committee for hearing the complaint, submitting that this was not a case of the sale of articles, but the supplying of a meal, and therefore the Act did not apply, and the Committee had no jurisdiction. A Divisional Court discharged the rule, and the railway company appealed. Objection to the appeal on the ground that a complaint under section 1 (1) (b) of the Profiteering

Act, 1919, was a criminal matter within section 47 of the Supreme Court of Judicature Act, 1873, was dismissed (*ante*, p. 358), and the appeal came on for hearing.

Held, that the transaction was a sale of articles, some at any rate of which were in the schedule referred to above, and therefore the committee had jurisdiction to hear the complaint.—*WILSON v. LANCS. AND YORKS. RAILWAY, C.A.*, 461.

#### RAILWAY :—

1. *Inequality of charge—Railways Clauses (Consolidation) Act, 1845* (8 & 9 *Vict. c. 20*), s. 90.—*Practice—Point of law not raised at the trial.*—The appellants, a railway company, gave notice that from a certain date the rate for the carriage of coal to places beyond their railway would be increased. The Colliery Owners' Association took proceedings before the Railway and Canal Commissioners on behalf of a group of colliery owners and traders, of which the respondent was not one, to test the validity of the increased rate, with the result that a compromise was come as to the rate to be charged these traders. The respondent deducted from his monthly accounts the difference between what he would have paid under the old rate and the charge made on the footing of the new rate.

In an action to recover the sums so deducted, the respondent pleaded section 90 of the Railways Clauses (Consolidation) Act, 1845. Rowlatt, J., held that the respondent was only liable to pay the amount which he would have paid had he been a party to the compromise, and dismissed the action as to the further sums claimed by the company. In the Court of Appeal the company desired to take a new point—that section 90 did not apply to through rates. The Court of Appeal refused to allow this point to be argued, as it was not raised in the pleadings, and was not put forward in argument before the trial judge, and dismissed the appeal.

Held, (1) that the compromise agreement and the practice giving effect to it involved an infringement of section 90 of the Act of 1845; and (2) that the new point which the appellants desired to raise could not be argued in that House.—*NORTH STAFFORDSHIRE RAILWAY v. EDGE, H.L.*, 146; 1920, A. C. 254.

2. *Refreshment rooms at station—Option of renting—Construction of covenant.*—In 1853 the railway company demised land adjoining the railway at Carlisle for a term of 999 years for the erection of a station hotel. The lease contained a covenant by the lessors in these terms :—"That the tenant or occupier of the said hotel shall have the option of renting the refreshment rooms of the said station at the rent and subject to the rules" of the Managing Committee "in preference to any other party, it being the intention and wish of the said parties hereto that the same person shall have the option of occupying the said hotel and refreshment rooms." The hotel company occupied the hotel and the refreshment rooms as yearly tenants until 1916, when the railway company gave them notice to quit, and terminated their tenancy, being minded themselves to take over the catering of the refreshment rooms. In an action by the hotel company, claiming a declaration that the railway company were under an obligation to put and keep the occupier of the hotel in occupation of the refreshment rooms, the Court of Appeal held that the true meaning and effect of the covenant was that if and when the railway company were minded to offer the refreshment rooms at a rent to anyone, the occupier of the hotel should have the option of taking them at that rent; but that if the railway company should themselves undertake the catering of the refreshment rooms, the occupier of the hotel would have no such option. After consideration,

Held (Lord Finlay dissenting), that the true meaning and effect of the covenant of the lease was that given to it by the Court of Appeal.

Decision of the Court of Appeal (1919, 2 K. B. 29, 88 L. J. (K. B.) 1027) affirmed.—*COUNTY HOTEL AND WINE CO. v. L. & N.W. RAILWAY, H.L.*, 666.

See also *Negligence*.

#### RATING :—

*Weekly tenancy—Rates included in rent—Agreement by landlord to pay rates—Liability of landlord.*—The defendant was owner of weekly property, the rent of which included the rates. The plaintiffs claimed arrears of rates on the ground that the defendant had agreed to pay them, and that having received the rates in the rent he received them on behalf of and to the use of the plaintiffs.

Held, that the plaintiffs were entitled to recover the rates which the defendant had not accounted for to them.—*REIGATE CORPORATION v. WILKINSON, Etc., J.*, 116.

## REGISTER OF BIRTHS:—

*Right to inspect original register—Births and Deaths Registration Act, 1836 (6 & 7 Will. 4, c. 86), s. 35—Births and Deaths Registration Act, 1874 (37 & 38 Vict. c. 88), s. 44.*—Any member of the public has a right to inspect the original registers of births, deaths, and marriages, and to obtain certified copies of the entries thereon upon payment of the prescribed fees.—*BEST v. BEST, P.D.*, 258; 1920, P. 75.

## RENT CHARGE:—

*Redemption—Rent owner—Commissioners for sewers—Construction of Local Act—Conveyancing Act, 1881 (44 & 45 Vict. c. 41), s. 45.*—Where a certain Local Level Act provided for the commutation of the liability to repair sea walls in the owners of lands in the level for perpetual rent charges, such rent charges being vested in the local Commissioners of Sewers to enable them to provide for repairs, and the said Local Level Act preserved the existing powers of the Commissioners, so that the liability could, in fact, have been commuted for a gross sum instead of a perpetual rent charge under the Local Drainage Act, 1861.

Held, that although the Commissioners' holding was subject to their statutory duties, they were nevertheless absolutely entitled to the rent charges in fee simple in possession or empowered to dispose thereof absolutely within the meaning of section 45 of the Conveyancing Act, 1881.—*RE CALDICOT AND WENTLOOGE LEVEL ACT, Astbury, J.*, 608.

## RESTRAINT OF TRADE:—

*Solicitor—Managing clerk—Covenant not to practice as solicitor—Area limited by radius of seven miles from office—No limit as to time—Validity.*—An agreement made between a solicitor carrying on business in a country town, and the defendant, provided that the latter should enter the former's employment as his managing clerk for three years or more. On the termination of the engagement the defendant undertook not to be concerned in the business of a solicitor (subject to an exception as to particular business) within seven miles of the town where the employer carried on his business.

Held, that as the terms of the agreement were otherwise quite reasonable, the fact that the restriction upon the defendant would continue during his life was not in the circumstances sufficient to invalidate it, and it must therefore be enforced.

Decision of *Eve, J.* (ante, p. 224), affirmed.—*DEWES v. FITCH, C.A.*, 569; 1920, 2 Ch. 159.

See also *Contract; Master and Servant*.

## REVENUE:—

1. *Excess profits duty—Appropriate remedy—Finance (No. 2) Act, 1915 (5 & 6 Geo. 5, c. 89), ss. 39, 44 and 45.*—Where a plaintiff asked for a declaration that he was not liable to excess profits duty and other consequential declarations as to his liability to fill up forms and supply information, and where the elements of invalidity and public interest present in the cases of *Dyson v. The Attorney-General* (1912, 1 Ch. 158) and *Burghes v. The Attorney-General* (1912, 1 Ch. 173) were absent, and the question concerned the plaintiff's business only.

Held, that it was undesirable that in cases of that character, in which the right of appeal prescribed by the Act was available to the plaintiff, that the Court should make a declaratory order, and accordingly the Court, in the exercise of its discretion, refused to make the declaratory order asked without expressing any opinion as to whether the plaintiff's business came within section 39 of the Finance (No. 2) Act, 1915 (5 & 6 Geo. 5, c. 89), or not.—*SMEETON v. ATTORNEY-GENERAL, Peterson, J.*, 20.

2. *Excess profits duty—Liability—Right of set off—Previous deficiency—Change of ownership—Finance (No. 2) Act, 1915 (5 & 6 Geo. 5, c. 89), s. 38 (3), Schedule 4, Part II., r. 5.*—The right to set-off, for the purposes of assessment to excess profits duty, a loss or deficiency of profits occurring in one year against the excess profits of a later year is a right which belongs to the individual owner of a business, and where there has been a complete change of ownership in the business, the successor has no right to exercise it in respect of a loss or deficiency attributable to a period when it belonged to his predecessor. Rule 5 of Part II. of Schedule 4 of the Finance (No. 2) Act, 1915, does not go beyond the purpose of calculating the pre-war standard of profits.—*INLAND REVENUE COMMISSIONERS v. GITTUS, C.A.*, 208; 1920, 1 K. B. 563.

3. *Excess profits duty—Port authority—"Trades or businesses of any description carried on"—Basis of assessment—Pre-war profits or percentage standard—Right of appeal on standard—Finance (No. 2) Act, 1915 (5 & 6 Geo. 5, c. 89), ss. 38, 39, 40, 45—Port of London Act, 1908 (8 Ed. 7, c. 68).*—The Port of London Authority, though a statutory public undertaking, carries on a trade

or business in the United Kingdom, and is liable to be assessed to excess profits duty under the Finance (No. 2) Act, 1915.

There is a right of appeal from the Inland Revenue Commissioners upon the question whether the pre-war profits standard or the percentage standard shall be taken as the basis of assessment under section 40 (2) of the Act, as well as upon the amount of the standard selected.

Decision of *Rowlatt, J.*, on the latter point reversed.—*PORT OF LONDON v. INLAND REVENUE COMMISSIONERS, C.A.*, 475.

4. *Excess profits duty—"Trade or business"—Employment—Commission agent—Whole-time servant of foreign corporation—Sales manager—Finance (No. 2) Act, 1915 (5 & 6 Geo. 5, c. 89), ss. 38, 39, 45, Schedule 4.*—A person was appointed general sales agent for the United Kingdom by an American company manufacturing calculating machines. He was remunerated by commission on sales, with a guaranteed minimum, and was bound to devote the whole of his time to furthering the sale of the machines and the business of the company.

Held, that he was not carrying on any trade or business which rendered him liable to excess profits duty, the business in which he was engaged not being his own, but that of his employers, the company.—*ROBBINS v. INLAND REVENUE COMMISSIONERS, C.A.*, 514; 1920, 1 K. B. 51.

5. *Income-tax—Charity—Exemption—Bequest of residue—Income received by executors between testator's death and distribution—Assent—Ascertainment of residue—Capital and income—Income Tax Act, 1842 (5 & 6 Vict. c. 35), ss. 88, 105.*—A testator bequeathed the whole of his residuary estate to a charity. The next of kin disputed his will, and after an interval of two years, his executors by agreement between the parties, distributed the residuary estate, one-third to the next of kin and the remainder to the charity. The executors having in the interval received income, from which income-tax had been deducted, of investments then forming part of the estate, the charity claimed that a proportion of such income had been received on its behalf, and being exempted from income-tax, under the Income Tax Act, 1892, s. 105, such tax ought to be refunded.

Held (reversing the decision of the Divisional Court), that such income was not received, and therefore the tax not paid on account of the residuary legatees, that a residuary legatee was not entitled to intermediate income as such, or to anything but the residue when, and only when, ascertained, and that such residue consisted of a mixed fund of capital and income of the estate received by the executors, to be applied by them in due course of administration but ultimately received as capital by the residuary legatee, and therefore that the charity was not entitled to a return of income-tax.

Query, whether the doctrine of executor's assent to a legacy applies at all to a share of residuary estate.—*REX v. INCOME TAX COMMISSIONERS, C.A.*, 207; 1920, 1 K. B. 468.

6. *Income tax—Foreign possessions—Dividends not permitted to United Kingdom—British trustees domiciled abroad—Liability of trustees for income tax—Finance Act, 1914, s. 5.*—Section 5 of the Finance Act, 1914, does not impose on British trustees resident in the United Kingdom in respect of investments held by them on behalf of a beneficiary resident abroad a liability to pay income tax on the proceeds of the trust investments which were never received in the United Kingdom.—*WILLIAMS v. SINGER, H.L.*, 569.

7. *Income tax—Income arising from securities, stocks, shares—in any place out of the United Kingdom—Method of assessment of amount taxable—Average of the three preceding years—Income Tax Act, 1842 (5 & 6 Vict. c. 35), s. 100, Schedule D fourth and fifth cases—Finance Act, 1914 (4 & 5 Geo. 5, c. 10), s. 5.*—The appellant had resided for several years past in the United Kingdom, and received income derived from dividends which were paid him as a shareholder in an American Corporation. He objected to an assessment to income tax which had been made against him in a certain sum under section 100, Schedule D, of the Income Tax Act, 1842, on the ground that under section 5 of the Finance Act, 1914, the computation should have been made upon the basis of the actual amount of the dividends received by him in the year of assessment, and not upon the average amount received in the three preceding years.

Held, that the appellant's income did not arise from securities in a place out of the United Kingdom within the meaning of section 5 of the Act of 1914, but from foreign possessions, and that, therefore, the assessment was right.—*SINGER v. WILLIAMS, H.L.*, 569.

8. *Income tax—Office or employment of profit—Secretary of company without remuneration—Liquidator in winding up—Present by shareholders for past services—Income Tax Act, 1842 (5 & 6 Vict. c. 35), s. 146, r. 1, Schedule E.*—Where the secretary



of a company acted as such without remuneration, being precluded by the articles from receiving any, and subsequently acted as unpaid liquidator in a voluntary winding-up, and after completion of the winding-up accepted a gift from the shareholders of half the surplus balance after payment of all claims, with their thanks for the services which he had rendered to the company.

Held (reversing Rowlett, J., 1919, 2 K. B. 146), that the payment was not made to him as the profit of any office or employment of profit, and was not assessable to income tax under Schedule E.—*COWAN v. SEYMOUR, C.A.*, 259; 1920, 1 K. B. 500.

9. *Income tax—Rooms let for entertainments—Profits arising or accruing from user of premises—Assessability under both Schedule A and Schedule D—Income Tax Act, 1842 (5 & 6 Vict. c. 35), ss. 60, 61, No VI.; s. 100, First and Sixth Cases; s. 105—Income Tax Act, 1853 (16 & 17 Vict. c. 34), s. 2, Schedules A and B.*—The respondents were the governors of a hospital founded in 1726, and some years ago they erected a large hall and rooms contiguous to the hospital. These rooms were let for entertainments or meetings for periods varying from one night to six weeks. They were not used for hospital purposes. Down to 1916 the hospital and gardens were exempted from taxation, but in that year the hall was assessed to income tax Schedule A. The vaults under the building had for several years been separately let, and were assessed to income tax, Schedule A, but the duty paid had been refunded. In these circumstances the respondents were assessed to income tax under Schedule D in respect of the profits derived from the letting of the hall for the years 1912 to 1915 inclusive. The Commissioners held that the governors were assessable in respect of the letting under Schedule D, but their decision was reversed by the King's Bench Division, whose judgment was affirmed by the Court of Appeal.

Held, that the respondents, for the purpose of raising an income for the support of their charity, were engaged in a business or concern in the nature of a business, and thereby had earned profits which were outside Schedule A. They were therefore taxable under Schedule D to income tax. The assessment of the Commissioners was therefore upheld.—*COMAN v. ROTUNDA HOSPITAL, H.L.*, 548.

10. *Succession duty—Husband and wife—Voluntary deed of separation—Husband deserts wife and lives abroad—Whether acquisition of independent domicile by wife stante matrimonio.*—Two persons, both of original Scotch domicile, married. Soon afterwards the husband became addicted to drink and maltreated his wife. They executed a voluntary deed of separation, and the husband went to Australia, where he lived at Brisbane from 1899 to January, 1918, when he died. All that time the wife continued to live on in Scotland, and there was no communication between the spouses. In 1902 the husband contracted a bigamous marriage in Australia, but it was not for some years that the wife knew of it. In 1915 she instituted proceedings against her husband on the ground of desertion and adultery, but she died on 9th September, 1915, when the service on the husband of the summons had not been effected.

In a question of liability of the wife's estate to succession duty, raised by an action by the trustees of the wife's estate for a declaration that succession duty was not payable, it was held by the Scotch Courts that, although the husband had deserted his wife in the popular if not in the sense of the Scots Act, 1573, c. 55, the wife was never in a position to acquire a domicile independent of that of her husband; that the husband was domiciled in Queensland, and that her domicile was therefore in Queensland at the date of her death. The Lord Advocate appealed.

Held, after consideration, that the proper course was to follow the well-established rule that the domicile of a husband and wife, undivorced and unseparated, was one and the same, and therefore the decision appealed from must be upheld.

Decision of the First Division of the Court of Session (sitting as the Court of Exchequer in Scotland) (reported 56 Sc. L. R. 55) affirmed.—*LORD ADVOCATE v. JAFFREY, H.L.*, 713.

11. *Super tax—Company—Profits—Capitalisation of undivided profits—Distribution of bonus shares—Assessment of shareholder to super tax thereon—Income Tax Act, 1842 (5 & 6 Vict. c. 35), ss. 40, 54—Finance (1909-10) Act, 1910 (10 Ed. 7, c. 8), ss. 66 (2).—Bonus shares created by a company, having power to do so, out of its undivided profits, and allotted among the shareholders in proportion to their holdings, are, if the company so decides, capital and not income, and a shareholder receiving such an allotment, and having no option to receive a cash bonus, is not assessable to super tax on the amount thereof.*

*Bouch v. Sproule* (12 A. C. 385) applied.

*Swan Brewery Co. v. The King* (14 A. C. 231) distinguished.

Decision of Rowlett, J., affirmed.—*INLAND REVENUE COMMISSIONERS v. BLOTT, C.A.*, 548.

12. *Super tax—Liability of custodian of enemy property to super tax—Income Tax Act, 1842 (5 & 6 Vict. c. 35), s. 41—Finance (1909-10) Act, 1910 (10 Ed. 7, c. 8), ss. 66 and 72—Trading with the Enemy Amendment Act, 1914 (5 Geo. 5, c. 12), Preamble and s. 5.*—The custodian of enemy property does not receive profits and gains of the property as agent or receiver of the enemy within section 41 of the Income Tax Act, 1842, nor does the property in his hands belong to the enemy. The beneficial ownership thereof is in a state of statutory suspense or abeyance.

*Daimler Co. (Limited) v. Continental Tyre and Rubber Co. (Great Britain) (Limited)* (1916, 2 A. C. 347) applied.

The Court, however, can, and in this case did, under its discretion under section 5, direct the custodian to pay the Commissioners of Inland Revenue the sum agreed upon for super tax.—*RE MUNSTER, Russell, J.*, 308; 1920, 1 Ch. 268.

#### SALE BY COURT:—

*Reserve price fixed by judge—Mistake by supplying lower price to auctioneer—Property sold at under value—Refusal of certificate to purchaser—Sale of Land by Auctions Act, 1867 (30 & 31 Vict. c. 48), s. 7.*—Where the judge has fixed the reserve price for the sale of a property by the Court, and by mistake the auctioneer is furnished with a lower price than that reserve price by the Court as the reserve price, and the property is sold at a price less than the reserve price fixed by the judge, the sale not being complete till certificate (see *Re Longvale Brick and Limeworks (Limited)*, 1917, 1 L. R. 321) the certificate can be refused by the Court, and the highest bidder not allowed to be the purchaser. The judge and the master are not agents for the parties to the action, but are entrusted by the Sovereign with administering the law, and are not bound to give effect to such a sale.—*RE JOSEPH CLAYTON, Peterson, J.*, 176; 1920, 1 Ch. 257.

#### SALE OF GOODS:—

1. *Breach by buyer—Damages—Amount payable in foreign currency—Rate of exchange—Time of conversion.*—In an action for breach of contract on sale of goods to recover a sum payable in a foreign currency, the amount of damages is such a sum in sterling as would have produced the sum payable in the foreign currency at the rate of exchange ruling at the time of the breach; and this is so whether the action is by the seller or buyer.—*BARRY v. VAN DEN HURK, K.B.D.*, 602.

2. *Sale "ex store"—Goods in lighters—Repudiation of contract.*—By a verbal contract of November, 1919, the plaintiffs bought from the defendants certain goods *ex store* Rotterdam. The plaintiffs, before taking actual delivery, became aware that the goods were, and had been for some considerable time, in lighters, and they repudiated the contract on the ground that the goods, being in lighters, could not be sold "*ex store*," and they claimed to recover the amount they had paid.

Held, that the general meaning of "*ex store*" would not include "*ex lighter*," and that there was nothing in the circumstances of the present case to warrant the Court giving any but the ordinary meaning to the words "*ex store*," which in the case of frozen meat meant "*ex refrigerating store*," and did not include a marine risk.

Decision of Bailhache, J. (64 SOLICITORS' JOURNAL, 478; 1920, 2 K. B. 329), reversed.—*FISHER REEVES & CO. v. ARMOUR, C.A.*, 698. See also *Contract*.

#### SETTLED LAND:—

1. *Sale out of court—Infant tenant-in-tail and remainderman—Settled Estates Act, 1877 (40 & 41 Vict. c. 18), ss. 16, 25 and 49.*—Where there is an infant tenant for life and infant remainderman the Court will, in certain circumstances, make an order under the Settled Estates Act, 1877, for the sale of freehold property out of court where there is no power under the Settled Land Acts.

*Re Tonge* (1907, W. N. 72) applied.—*RE MOUNTGARRET, Lawrence, J.*, 498.

2. *Tenant for life—Person having powers of tenant for life—Option of occupying and enjoying use of house—Failure to reside—Settled Land Act, 1882 (45 & 46 Vict. c. 38), ss. 2(5), 51, 68(1)(vi).*—A testator by his will gave his eldest son the option of occupying and enjoying the use of his residence during his life without payment of rent, such option to be exercised by notice in writing within a limited period. The son gave due notice to the trustees, and entered into occupation, but some three years later he ceased to occupy the house, removed the furniture, and let it unfurnished for fourteen years.

Held (reversing Eve, J.), that the exercise of the option operated to convert a conditional gift into an absolute one, that the right to occupy and enjoy the use of the house included the right to let it, and that the son therefore continued to be entitled to the rents and profits as tenant for life.—*RE GIBBONS, C.A.*, 274; 1920, 1 Ch. 372.

3. *Trustees—Power of sale—Undivided shares—Consent of tenant for life—Settled Land Act, 1882, s. 56 (2)—Settled Land Act, 1884, s. 6 (2).*—Trustees of settled land with a power of sale are not entitled to exercise their power of sale without the consent of the persons having the powers of a tenant for life in respect of their undivided shares.

*Re Osborne to Brights (Limited)* (1902, 1 Ch. 335) followed.—*RE MORRIS WILL, Eve, J., 275, C.A.; 1920, W. N. 207.*

#### SETTLEMENT:—

*Previous marriage of wife—Child of previous marriage—Meaning of words "without having been married."*—Where there is no context, or surrounding circumstances, pointing to the view that the words "without having been married" mean without having entered into the marriage then contemplated, they will be taken to mean "without ever having been married."—*RE ELLIS SETTLEMENT, Sargant, J., 700.*

#### SHIPPING:—

1. *Marine risks—War risks—Consequences of hostilities or warlike operations—Steaming without lights in war zone—Steaming with convoy—Stranding—Total loss.*—The expression "warlike operations" as used in policies of marine insurance connotes some act done by one of two parties at war with each other against one of them, or by one of such parties with the object of meeting or avoiding an actual or threatened attack by the other, and there is a clear distinction between an operation of such a kind and one of a peaceful character conducted under conditions rendered necessary or desirable by the existence of a state of war.

Held, unanimously, that the loss of a vessel by collision while steaming without navigation lights under Admiralty Orders to safeguard against attacks from enemy submarines, and (Lord Cave and Lord Shaw dissenting) that the loss of a vessel by standing upon a reef when sailing with a convoy under the Navigation Orders of the naval officer commanding the convoy, were due to marine risks within the meaning of the policies of marine insurance.

Decision of the Court of Appeal (63 SOLICITORS' JOURNAL, 736; 1919, 2 K. B. 670) affirmed.—*BRITISH STEAMSHIP CO. v. THE KING, H.L., 737.*

2. *Practice—Collision—Limit of liability—Right to limit—Right to dispute.*—Where the right to limit liability for bail is in dispute, the persons disputing it are entitled to take it at the full value entirely at their own risk if it turns out that their demand is exorbitant, and, accordingly, where a caveat was entered against the arrest of the ship, bail having only been completed for the full amount of the owners' statutory liability under section 503 of the Merchant Shipping Act, and not for the full market value, the persons disputing it, who were plaintiffs in a collision action in which their ship had been lost with all hands, on a motion obtained an order setting aside the caveat and giving them liberty to arrest the ship.—*"THE CHARLOTTE," P.D., 276; 1920, P. 78.*

3. *Shipping—Salvage—Tug—Admiralty requisition—Hire on gross basis—Change to net basis—Claim of Admiralty to salvage remuneration—Ship "belonging to His Majesty"—Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60), s. 567—Merchant Shipping (Salvage) Act, 1916 (6 & 7 Geo. 5, c. 41), s. 1.*—The Admiralty, in 1914, requisitioned certain tugs belonging to the defendants, and employed them on terms of an official charter-party, known as T. 99, under which the owners undertook to pay for all wages, provisions and all expenses, except for coal and other fuel, which were to be borne by the Admiralty. The owners were insured against all Marine risks, but the Admiralty were to be made liable for all war risks. All salvage was to be for the owners' benefit.—*PAGE v. ADMIRALTY COMMISSIONERS, H.L., 634.*

#### SOLICITOR:—

1. *Agent for insurance company—Policy on life of client—Commission—Client's knowledge and consent to his taking commission—Written evidence.*—The onus is on a solicitor to shew by some evidence in writing that his client knew of and consented to his receiving and retaining for his own use commissions paid by an insurance company to him in respect of annual premiums payable on a policy taken out on the life of his client.

*Copp v. Lynch* (26 SOLICITORS' JOURNAL, 348) applied.—*JORDY v. VANDERPUMP, Peterson, J., 324.*

2. *Bill of costs—"Disbursements"—Brief prepared by another solicitor as client—Special retainer—Costs of instruction for brief—Solicitors Act, 1843 (6 & 7 Vict. c. 73), s. 37—Solicitors Act, 1860 (23 & 24 Vict. c. 127), ord. 65, r. 27 (29a), 52.*—In 1918 Lady E. was in the hands of money-lenders. Her son, Sir T. E., financed an action by Lady E. to extricate her from their hands, being advised by C., the family solicitors. It was deemed desirable

that Lady E. should not be represented by the same solicitor as her son, and W. was retained to appear for her under a special retainer, which directed him to treat all instructions from C. as coming direct from Lady E. The action resulted in the recovery of at least £2,000. W. then proceeded under the Solicitors Act, 1860, to apply for a charging order on the £2,000 recovered for his taxed costs, charges, and expenses. As it was desired to avoid making an order for a charge, an order was made by consent in a form which the Master treated as a direction to tax the bill under the Act of 1860, Sir T. E. and C. undertaking to pay the balance found due, and a consent order was made to tax the applicant's bill of costs "as already delivered," the order being still headed under the Act of 1860. Two objections were taken to the bill as allowed by the Master: (1) that he ought not to have allowed certain counsel's fees on the ground that they had not been paid before the delivery of the bill or before taxation, and (2) that in the circumstances no sum should have been allowed for "instructions for brief" or alternatively nothing like the sum allowed.

Held, (1) that a solicitor who had obtained an order to tax under the Act of 1860 must produce counsel's signature as a voucher of payment before the fee is allowed on taxation as required by ord. 65, r. 27 (52), but that he was not under any other obligation; the Act of 1860 (unlike the Act of 1843) did not contain the expression "disbursements," the words being "costs, charges and expenses," which covered costs, charges and expenses to be incurred as well as those actually incurred at the date of the order; and (2) that, under the retainer which directed W. to treat C. as a client, had Lady E. herself had the brief prepared and had asked W. to deliver it to counsel after satisfying himself as to its correctness, W. would not have been entitled to charge on the footing that he had prepared the brief himself.

Matter referred back to the taxing master to tax the bill on the footing that what C. did in the preparation of the brief must be treated as having been done by Lady E. herself, W. being entitled to charge for perusing the brief and for any interviews with C. in connection therewith, but not for any work done by C. on the brief as the *alter ergo* of the client under the retainer.—*EDEN v. MILLER C.A., 357.*

3. *Costs—Mortgage—Application for delivery of bill by mortgagees.*—Mortgagees applied for an order directing that a bill of costs should be delivered by a solicitor in respect of a sum of £914 received by him with the assent of the mortgagor from sum supplied by the mortgagees for costs incurred before the execution of a mortgage deed.

Held, that the application should be allowed.

Judgments of Lord Romilly in *Re Forsyth* (34 Beav. 140) and *Re Gold* (34 L. T. (N.S.) 9) not followed.—*RE FOSTER (A SOLICITOR), C.A., 600.*

#### TOLLS:—

*Bridge—Title of company—Registration—Certificate—Grant of way free of toll—"Servants, customers and workmen"—Licensee.*—In 1869 a grant of way over a bridge free of toll was made to the defendants' predecessors in title their "servants, customers and workmen." In this action the plaintiff claimed a declaration that the defendants had no right to license a person to pass to and from the defendants' premises over the bridge without paying toll.

Held, that the plaintiff was not entitled to the declaration he claimed.

In 1889 the defendant company was registered under Part VII, of the Companies Act, 1862. The plaintiff contended that it was not capable of being so registered.

Held, that the certificate of incorporation was conclusive, and the plaintiff could not go behind it.—*HAMMOND v. PRANTICE, Eve, J., 131; 1920, 1 Ch. 201.*

#### TORT:—

*Master and servant—Negligence—Injury to constable—Action by Corporation—Measure of damages—Loss of service—Wages—Pension.*—A constable in the service of the plaintiff corporation was injured while he was regulating street traffic through the negligent driving of the defendants' servant. The corporation paid the constable full wages for eleven months after the accident, in the expectation that he would be able to resume his duties; but it was then found that he was permanently incapacitated. The constable was entitled, in case he should be permanently injured in the execution of his duty, to a pension of £99 a year, and this was awarded to him by the corporation. By the terms of his service the constable was entitled to a pension of £67 a year on his attaining the age of fifty-two, and at the time of the accident his age was thirty-nine. The pension was payable out of the pension fund under the Police Act, 1890, provided by contributions from various sources, one of them being 2½ per cent. deducted from the pay of constables. The contribution of the

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#### TRADE

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corporation was only about 31½ per cent. of the whole fund. In an action by the corporation for the damages they had sustained by the loss of the constable's services,

Held, that they were entitled to recover (1) the full wages paid to the constable until it was ascertained that his incapacity was permanent; (2) for the loss sustained by them by the payment of the pension from the pension fund to the constable owing to his becoming permanently incapacitated.—*BRADFORD v. WEBSTER*, K.B.D., 324; 1920, 2 K. B. 135.

#### TRADE UNION:—

1. *Expulsion of member—Conduct bringing union into discredit—Procuring employer to break contract with member—Ultra vires—Injunction.*—Where a rule enables a branch of a union to expel a member for conduct bringing the union into discredit, then any conduct which brings discredit on the branch with the public or any section of it, or with the other component parts of the whole organization, comes within this rule.

Inducing an employer not to continue the employment of an employee is only illegal if it is exercised by the use of illegal means.—*WOLSTENHOLME AMALGAMATED MUSICIANS UNION*, *Eve, J.*, 585.

2. *Regulation of prices—Threats for securing conformity—Publication of names in "stop list."*—An association or trade union of motor manufacturers prepared what were called protected lists of prices at which motors and motor articles were to be sold by their agents. They also published periodically a list called a stop list, containing the names of those who sold at prices different from those in the protected lists. Any person or firm so named, or those dealing with them, were not to be supplied, directly or indirectly, with the articles named. The plaintiffs, who were not members of the association, acted as agents for selling a motor-car belonging to a person who also was not a member of the association, and they advertised the car for sale at a price not authorized by the protected list. The defendants published the plaintiffs' name in the stop list.

Held, that the plaintiffs were entitled to an injunction against all persons concerned individually in publishing the stop list restraining them from publishing the plaintiffs' name therein as such publication was a threat intended to prevent the plaintiffs from making a lawful disposition of their own or their principal's property.—*WARE AND DE FREVILLE v. MOTOR TRADES ASSOCIATION*, K.B.D., 587.

3. *Rival unions—Workmen required to leave one and join another trade union—Notice of intention to strike—Refusal by workman—Dismissal by employers—Threats—Procuring breach of contract—Trades Disputes Act, 1906 (6 Ed. 7, c. 47), ss. 3, 5.*—The plaintiff, a workman in the employment of a firm in the leather trade, belonged to a general trade union, but was requested by his fellow-workmen, all of whom belonged to another society, a craft trade union confined to leather workers, to resign from his own and to join their society. Upon his refusal to do so, a meeting was held, and a notice, signed by a defendant, was sent to the employers informing them that the men would cease work unless the plaintiff either left the employment or joined the craft union. The employers thereupon dismissed him from their employment. In an action by the plaintiff for an injunction and damages,

Held, reversing *Astbury, J.* (ante, p. 497), that on the evidence the defendants had done nothing more than they were lawfully entitled to do; that they had not conspired to injure him, or to obtain his dismissal without notice from the employment, and had not procured a breach of his contract of employment. There being no cause of action against the defendants, the Trades Disputes Act, 1906, did not apply to the case, although it arose out of a trade dispute within the Act.

*Valentine v. Hyde* (1919, 2 Ch. 129) disapproved.

*Hodges v. Webb* (1919, 2 Ch. 70) approved.—*WHITE v. RILEY*, C.A., 725.

4. *Rules—Executive committee's powers—Suspension of officer—Natural justice.*—Where the rules of a trade union provided that the executive committee should have the management and superintendence of the union, and should take every means to secure the observance of its rules, and might suspend and expel members acting contrary to its rules; and it was pointed out to a member who was treasurer of a branch, and also chairman and trustee thereof, that during his treasurership there was a deficiency in the accounts of the branch, and that he had retained in his hands subscriptions paid to him by the branch secretary for an undue length of time; and the executive committee without giving him an opportunity of explaining his position which he asked for passed a resolution removing him from any office which he held in the society, and not permitting him to hold office for five years from the date of the resolution,

Held, (1) that the resolution was not passed for securing the observance of the rules, because the conduct of the member in other offices which he held at the date of the resolution was never questioned; (2) the power to suspend or expel the member was penal, and construed strictly, as it must be, did not justify the action taken in the circumstances; and (3) the power to suspend was quasi-judicial, and it was contrary to natural justice that the committee should exercise it without giving the member a hearing, which they had not done.—*BURN v. NATIONAL AMALGAMATED LABOURERS' UNION*, *Lawrence, J.*, 570.

#### TRUST:—

*Gift of life interest only by will—Capital undisposed of—Unattested document stating intentions of testatrix as to capital—Evidence of arrangement with legatee—Enforceable trust.*—A testatrix by her will gave her husband a life interest in her property, "knowing he will carry out my wishes," and did not dispose of the capital. The husband died a few days after his wife, having left a will which took no effect. A document signed by the wife, but not attested, was found, in which she expressed her wish that "the money I leave to my husband" should go to two nieces and a nephew, and there was independent evidence of her intention expressed in conversation to her husband and assented to by him about the date of the execution of her will.

Held (reversing *Eve, J.*), that the husband's next of kin did not take the property, which devolved on him in right of his wife absolutely, but as trustees for the nephew and surviving niece, the husband being bound by an arrangement to which he had assented.

*Johnson v. Ball* (5 De G. & Sm. 85) and *Re Garlton* (1914, 1 Ch. 662) distinguished.—*RE GARDNER, C.A.*, 650; 1920, 1 Ch. 501.

#### VENDOR AND PURCHASER:—

1. *Completion—Sale of freehold house with vacant possession—Expiration of lease on date fixed for completion—Right to receive money paid by lessee in discharge of liability for dilapidations.*—A freehold house let on a repairing lease, which had been occupied during the war by the military, and considerably damaged, was put up for sale, the purchase to be completed and vacant possession given to the purchaser on the date of the expiration of the lease.

Held, that a sum of money agreed after the sale to be paid by the lessee and accepted by the vendor in full discharge of the former's liability under the repairing covenants of the lease belonged to the vendor, and not to the purchaser.

*Re Edie and Brown's Contract* (58 L. T. 307) approved and followed.

Decision of *Sargant, J.*, affirmed.—*RE LYNE-STEPHENS AND SCOTT-MILLER, C.A.*, 341; 1920, 1 Ch. 472.

2. *Conditions of sale—Reckless statement—Vendor's right to rescind.*—Where a vendor, as a result of certain interviews, had reason to believe that his tenant's tenancy would expire at Michaelmas 1919, "and accordingly in his conditions of sale stated that the property was in the occupation of A., the tenancy expiring at 29th September, 1919, when vacant possession may be had," the fact being that notice to quit had not been given,

Held, that the vendor was not guilty of such recklessness as to disentitle him to rely on his power to rescind within the principle of the case of *Re Jackson and Haden's Contract* (1906, 1 Ch. 412).

*Duddell v. Simpson* (1864, 2 Ch. App. 102) applied.—*MERRETT v. SCHUSTER, Lawrence, J.*, 550.

3. *Contract—Rescission clause—Sale by trustees—No power of sale—Right to rescind.*—Vendors as trustees contracted to sell and reserved to themselves the usual right to rescind. It turned out that they had no immediate power of sale, but they offered to convey as legal personal representatives. This the purchaser refused, and the vendors purported to rescind the contract.

Held, that the vendors were entitled to rescind.—*RE MILNER AND ORGAN, Eve, J.*, 463.

4. *Contract—Vendor selling as trustee—Trust to divide—One beneficiary to have £30 more than others—No express power of sale offer to join the beneficiaries as parties to the conveyance—Repudiation.*—It is doubtful whether a direction to divide property between children so that one receives £30 more than the others, implies a power to sell realty for the purpose of such division.

A repudiation of a contract must be unambiguous and may be rendered ambiguous by correspondence subsequent to it.—*RE HAILES AND HUTCHINSON, Astbury, J.*, 200; 1920, 1 Ch. 233.

5. *Costs of verifying abstract—Proof of possession before August 1914—Conveyancing Act, 1881 (44 & 45 Vict. c. 41), s. 3, sub-section 6—Costs (Emergency Powers) Act, 1914 (4 & 5 Geo. 5, c. 78), s. 1.*—The expenses of a statutory declaration that the vendors who were selling as mortgagees were in possession before August, 1914, a fact which was not stated in the abstract of title, but had been

stated either at the sale or shortly after, must be borne by the purchaser.

*Re Condon and Faulkner's Contract* (1916, 1 I. R. 241) applied.  
*Re Moody and Yates' Contract* (1885, 30 Ch. D. 344) distinguished.

—*RE WRIGHT AND THOMPSON, Astbury, J.*, 52; 1920, 1 Ch. 191.

6. *Freehold estate—Restrictive covenant—Private dwelling house—Conveyance subject to covenant—Covenant to indemnify.*—Land was conveyed to the plaintiff subject to a covenant not to erect any building otherwise than as a private dwelling house. The plaintiff conveyed part of the land to the defendant, who covenanted to perform and observe the said covenant. The defendant erected a corrugated iron shed on the land conveyed to him.

Held, that the covenant by the defendant was a mere covenant of indemnity, and as the original vendor had not taken any proceedings, there was no cause of action.

Held, also, that the erection complained of was a breach of the covenant.—*RECKITT v. CODY, Eve, J.*, 699.

7. *Practice—Title accepted—Purchaser in possession—Specific performance—Delay—Interlocutory order—Purchaser's option.*—Where title has been accepted and the purchaser has gone into possession before completion, and has failed to complete, and the vendor has commenced proceedings for specific performance, the vendor can obtain on motion an order directing the purchaser to lodge the balance of the purchase money in court, together with the interest under the contract from the date fixed for completion within four days, or in default to deliver up possession to the vendor, and in that event to lodge in court the interest due under the contract.

*Greenwood v. Turner* (1891, 2 Ch. 144) applied.—*RE CASSANO AND MACKAY, Astbury, J.*, 259.

8. *Purchaser not named—Sufficiency of memorandum—Statute of Frauds* (29 Car. 2, c. 3), s. 4.—Where a document beginning "I agree to purchase" is not signed by the purchaser but it shews on the face of it payment of part of the purchase money and a cheque is produced which was proved to include that money, the cheque may be incorporated in the document for the purpose of satisfying the Statute of Frauds as to a sufficient memorandum.

*Long v. Millar* (4 C. P. D. 450) followed.—*STOKES v. WHICHER, Russell, J.*, 292; 1920, 1 Ch. 411.

9. *Registration of lis pendens—Blanks—Judgments Act, 1839* (2 & 3 Vict. c. 11), s. 7.—In order sufficiently to comply with the requirements of section 7 of the Judgments Act, 1839, it is not essential that the full Christian names of the persons whose estate is sought to be affected by the registration of a *lis pendens* thereunder should be given. It is sufficient if the surname and correct initials are given; and it is not necessary if the person whose estate is sought to be affected has no title, trade or profession, to insert the word "none," as the words of the Act must necessarily be qualified "if any."—*DUNN v. CHAPMAN, Lawrence, J.*, 602.

10. *Specific performance—Contract by correspondence—Concluded agreement—Statute of Frauds—Agents' authority.*—In a purchaser's action for specific performance, the defendant alleged that there was no concluded contract, that the agreement did not satisfy the requirements of the Statute of Frauds, and that the estate agents had no authority to enter into the contract.

Held, on the facts, that none of these defences had been established, and that the plaintiff was entitled to specific performance.—*ALLEN & CO. v. WHITEMAN, Eve, J.*, 727.

11. *Specific performance—Mistake common to both parties—No. 233 described as No. 232—Parol variation—Rectification—Evidence—Admissibility.*—The defendant agreed to sell to the plaintiff premises described in the contract as No. 232. The premises were in reality known as No. 233.

The mistake was common to both parties. The plaintiff claimed specific performance, the defence being that the plaintiff was not entitled to specific performance of a written contract with a parol variation.

Held, that the rule established by *Woolam v. Hearn* (7 Ves. 211) had no application, and that the purchaser was entitled to specific performance.—*FORGIONE v. LEWIS, Eve, J.*, 549.

12. *Specific performance—Purchase for benefit of third party—Part performance—Statute of Frauds* (29 Car. 2, c. 3), s. 4.—Where A. was in negotiation for the lease of a house, and told B., who said she would like to rent the house, but afterwards informed A. that she had decided to buy it, and then in the presence of A. told C., her nephew, that she had decided to give him the house, and C. thereupon gave up his old house, and with the knowledge of A. and B. went into this house, and incurred expense in so doing, and meanwhile A. had entered into a binding contract to take the lease of this house, but before the assignment thereof B. died.

Held, that the Statute of Frauds was no defence by B.'s executors to an action to specific performance of this contract instituted by A. and C.

*Crosby v. McDonald* (1809, 13 Ves. 148) applied.—*HOHLER v. ASTON, Sargant, J.*, 684.

13. *Specific performance—Sale of freeholds—Agreed terms—"Subject to title and contract"—No formal contract.*—Where all the terms of an agreement for sale had been settled between the parties and embodied in one document "subject to title and contract."

Held, that it was the intention of the parties not to enter into a concluded agreement, except in the form of a written and signed contract, and as there was no such document there was no enforceable agreement.—*COOPE v. RIDOUT, Eve, J.*, 684.

See also *Sale by Court*

## WAR:—

1. *Debt due from German national to British national—Recovery—Trading with the Enemy Amendment Act, 1914* (5 Geo. 5, c. 12), s. 5, sub-section 2.—*Treaty of Peace Act, 1911* (9 & 10 Geo. 5, c. 33), s. 1.—*Treaty of Peace Order, 1916.*—The Treaty of Peace Act, 1919, and the Orders made thereunder, have put an end to the power of the Custodian appointed under the Trading with the Enemy Amendment Act, 1914, to pay to a British national a debt due from a German national.—*RE NIERAUS, Russell, J.*, 426.

2. *Trading with the enemy—Enemy business—Trading with the Enemy Amendment Act, 1916* (5 & 6 Geo. 5, c. 105), s. 1.—The controller of the London agency of an enemy bank appointed under the Trading with the Enemy (Amendment) Act, 1916, ought not in the absence of special circumstances to pay—

(1) Non-enemy holders of cheques drawn before or after the outbreak of war by enemy customers.

(2) Non-enemy holders of cheques drawn before or after the outbreak of war by non-enemy customers.

(3) Pre-war acceptances of customers, whether enemy or non-enemy, of the London branch, or of other persons domiciled for payment at the London branch.

Where cheques are drawn by the head office or any enemy branch on the London branch, payable to non-enemy persons claims in respect thereof must not be met without the direction of the judge.

In the case of *Re Agra and Masterman's Bank* (1867, 2 Ch. 391) special circumstances were shewn.—*RE DRESDNER BANK, Russell, J.*, 426; 1920, 1 Ch. 69.

## WILL:—

1. *Absolute gift of realty, followed by settlement thereof—Failure of trusts of settlement—Whether intestacy or not.*—Although the rule in *Lassence v. Tierney* (1849, 1 M. & G. 551), in terms only applies to personalty, yet, where the circumstances render it as applicable to realty as to personal estate, it will be held to apply to realty, because it is unreasonable at this date to introduce a new distinction between the law applicable to real and personal estate in defiance of reasoning equally applicable to either.

*Hancock & Watson* (1902, A. C. 14) followed.

*Yarrow v. Knightly* (1878, 8 Ch. D. 736) applied.—*MORYOSEPH v. MORYOSEPH, Sargant, J.*, 497; 1920, 2 Ch. 33.

2. *Bequest of "Clear annual sum of £4,000 a year free of income tax."—Super tax—Finance* (1900-10) Act (10 Ed. 7, c. 8), s. 66.—*Finance Act, 1914* (4 & 5 Geo. 5, c. 10), s. 3.—Under a will made five years after the imposition of super tax and one year after the exemption limit had been reduced, a testator left his wife "a clear annual sum of £4,000 a year free from income tax."

Held, that the wife must have £4,000 free from super tax.

*Boules v. Attorney-General* (1912, 1 Ch. 123) applied.

*Re Crawshaw* (1915, W. N. 412) distinguished.—*RE CROSSE, Astbury, J.*, 200; 1920, 1 Ch. 240.

3. *Bequest of residue—Condition—Legatee to acquire title of honour—Gift over on non-fulfilment of condition—Validity—Public policy.*—A testator bequeathed the residue of his estate to his eldest son on condition that he should have acquired the title of baronet or other title superior thereto.

Held, that the gift was not void as offending against public policy.—*RE WALLACE, C.A.*, 478.

4. *Charitable institution to be selected by A—Death of A in lifetime of testatrix—Discretion for the essence of the gift—Intestacy.*—Where a testator bequeathed her residue to such charitable institution as might be selected by A. and A. died before the testator.

Held, that the discretion and its exercise was of the essence of the gift, and that, accordingly, the charitable gift failed, and the testatrix died intestate with regard to her residue.



*Moggridge v. Thackwell* (7 Ves. 36) distinguished.—**RE WILLIS, Astbury, J.**, 601.

5. *Charity—Gift for charitable institutions and poor and other objects of charity or other public objects in the parish of F.—Uncertainty.*—A testatrix gave her residuary estate upon trust "for the benefit of the schools and charitable institutions, and poor and other objects of charity, or any other public objects in the Parish of F."

Held, that the gift was not void for uncertainty, but was a good charitable bequest.

*Dolan v. Macdermot* (L. R. 3 Ch. 676) followed.—**RE BENNETT, Eve, J.**, 291; 1920, 1 Ch. 305.

6. *Construction—Annuity—Free of income tax and of all other deductions—Super-tax—Finance Act, 1914 (4 & 5 Geo. 5, c. 10), s. 3.*—A bequest of an annuity "free of income tax and of all other deductions," is a bequest of an annuity free of super-tax. *Re Crawshaw* (1915, W. N. 412) distinguished.

In such a case as the above, the income of the residuary estate must bear such proportion of the total super-tax payable by the annuitant as to annuity with the income tax thereon added thereto bears to the total amount of the income of the annuitant assessed for super-tax.

*Re Bowring* (1918, W. N. 265) applied.—**RE DOXAT, Sargant, J.**, 631.

7. *Construction—Devise of copyholds "now held by me"—Will speaking from death of testator—Contrary intention—Wills Act, 1837 (1 Vict. c. 26), s. 24.*—A testator devised copyholds "now held by me." At the date of his death he was tenant of the entirety, but at the date of the will he was tenant of a moiety only.

Held, that the devise operated to pass the entirety of the copyholds.

*Lady Langdale v. Briggs* (8 D. M. & G. 391) considered.—**RE HORTON, Eve, J.**, 425; 1920, 2 Ch. 1.

8. *Construction—Devise to plaintiff and at his death without an heir to defendant—Defendant a nephew of the plaintiff—Estate tail—Estate in fee with gift over—Wills Act, 1837 (1 Vict. c. 26), s. 29.*—A testatrix by her will made in 1914 devised a farm to the plaintiff, and at his death without an heir to the defendant and his heirs. The defendant was a nephew of the plaintiff.

Held, that the plaintiff took an estate in fee simple subject to an executory devise over to the defendant at his death if he should die without leaving an heir to the body.—**RE THOMAS, Eve, J.**, 359; 1920, 1 Ch. 515.

9. *Construction—Freehold rent-charge devised—Subsequent purchase of property so charged—Ademption—Wills Act, 1837 (1 Vict. c. 26), ss. 23 and 24.*—A testator bequeathed a certain freehold rent-charge, and after the date of his will he acquired the fee simple of the house out of which the rent-charge issued, and by the conveyance the rent-charge was expressly merged and extinguished.

Held, that the ademption was not saved by sections 23 and 24 of the Wills Act, 1837, and that the freehold house did not pass to the devisee of the rent-charge.—**RE BICK, Lawrence, J.**, 359; 1920, 1 Ch. 488.

10. *Construction—Gift of balance in "said bank"—Erasure from original will—Right to look at erasure—Testatrix with several banks—Extrinsic evidence—Latent ambiguity.*—Where the will of testatrix as originally drafted gave certain legacies out of moneys standing to her credit at the National Provincial Bank, and went on to dispose of the balance to her credit at the "said bank," and by her direction, before execution, the words dealing with the payment out of moneys standing to her credit at the National Provincial were erased, and she having several banking accounts at her death, a question arose as to the meaning of the words "said bank."

Held, (1) that the court is always entitled to look at the original will, including the erasures.

*Re Harrison* (30 Ch. D. 390) followed.

(2) When it is known that the testatrix had more than one banking account, a latent ambiguity arises on the will, and the court is entitled to explain this by extrinsic evidence, and can look at the original will for that purpose also.

*Doe v. Hiscocks* (5 M. & W. 363) followed.—**RE BATTIE-WRIGHTSON, Astbury, J.**, 585.

11. *Construction—Gift of residue to children at twenty-one—Gift nominatim—Gift over if any child failed to acquire a vested interest—Death of son before testator leaving issue—Wills Act, 1837 (1 Vict. c. 26), s. 33.*—A testator gave his residuary estate to his children *nominatim* at twenty-one or marriage, with gift over in the event of any child failing to acquire a vested interest in the trust premises. One of the sons attained the age of twenty-one,

and died in the testator's lifetime, leaving issue who survived the testator.

Held, on the true construction of the will, that the legal personal representatives of the deceased son were entitled to his share.—**RE WILSON, Eve, J.**, 389.

12. *Construction—Gift to children—Legitimate and illegitimate children—Testator's issue by deceased wife's sister—Intention to include illegitimate children.*—A testator who left surviving him three legitimate children and three children by a union with his deceased wife's sister, made gifts by his will to his "sons" and "daughters" in the plural in terms which could not be wholly satisfied, so as to render the will sensible, by confining the gifts to legitimate children.

Held (reversing *Eve, J.*, 63 SOLICITORS' JOURNAL, 749), that the issue of the deceased wife's sister must be included.

*Hill v. Crook* (L. R. 6 H. L. 265) applied.—**RE BLECKLY, C.A.**, 306; 1920, 1 Ch. 450.

13. *Construction—Gift to "such persons as on failure of preceding trusts shall be my next of kin, and entitled to my personal estate under the Statute of Distributions"—Period of ascertained class.*—By a will made in 1852 the testator, having settled his residuary estate in equal shares upon his three daughters and their children, directed that, on the failure of the trusts of the residue of his estate, such residue should be held in trust for such person or persons as on the failure of such trusts should be his next of kin, and entitled to his personal estate under the Statute of Distributions. The trusts having failed by the death of the daughters without having had any issue.

Held, that the class to take were not the next of kin of the testator at the date of his death, in 1855, but the persons who would have been his next of kin had he died immediately after the failure of the previous trusts on the death of his last surviving daughter in 1918.

Decision of the Court of Appeal (reported *sub nom.* in *Re Hutchinson, Carter v. Hutchinson*, 63 SOLICITORS' JOURNAL 352; 1919, 2 Ch. 17) reversed.—**HUTCHINSON v. NATIONAL REFUGES, &C.**, *Il. L.*, 496.

14. *Construction—Joint tenancy and tenancy in common—Express maintenance clause—Income arising from "share or shares" of property.*—Where there was a gift to all or any of the brothers and sisters of A, the issue taking their deceased parents' share, and the maintenance clause referred to the share or shares of property to which such minors should be entitled.

Held, that the reference to the "share or shares" of property was a sufficient indication that the testatrix intended the children to take as tenants in common, and not as joint tenants.—**RE WARD, Astbury, J.**, 115; 1920, 1 Ch. 334.

15. *Construction—Settled legacy—General power of appointment—Appointor pre-deceasing testatrix—Hypothetical survivorship—Wills Act, 1837 (1 Vict. c. 26), s. 27.*—Where a testatrix settled £5,000 by her will upon A for life, and in default of children of A, which event happened, in trust for such persons as he should appoint by will, and, subject thereto, to fall into residue, and provided that in case A should pre-decease her (which event happened), then the settled legacy should be held upon the same trusts and subject to the same powers and provisions so far as capable of taking effect as if A had died immediately after her, and A by his will gave everything to his wife, and was subsequently killed in action.

Held, that the widow did not take the said settled fund, but it fell into the testatrix's residue.

Decision in *Re Smith* (1916, 1 Ch. 523) not applicable to such a case as this, because A never became the donee of the power.

*Jones v. Southall* (32 Beav. 31) applied.—**RE YOUNG, Peterson, J.**, 615.

16. *Gift of residence to five persons—Codicil—Revocation of gift as to one—Confirmation of will.*—Where a testator bequeathed his residence by will to five named persons and by a codicil revoked the gift as to one of them and hotchpotted certain payments made to another and directed that such residue should be divided between the persons entitled thereto subject to the same hotchpotting, and in other respects confirmed his will.

Held, that the revocation of the gift caused that share to be undisposed of.—**RE WILKINS, Sargant, J.**, 530.

17. *Gift to child—Death in parents' lifetime leaving issue—Trustee in bankruptcy of child—Title of—Wills Act, 1837 (7 Will. 4 and 1 Vict. c. 26), s. 33—Bankruptcy Act, 1914 (4 & 5 Geo. 5, c. 59), s. 38.*—Where a testator by his will devised his residuary estate to trustees upon trust for sale and conversion, and to hold the proceeds of sale in trust for his children A, B and C, and C became bankrupt and died in the lifetime of the testator without having obtained his discharge, but leaving children,

Held, that C's trustee in bankruptcy took C's share of residue. *Dictum* of Stirling, L.J., in *Re Scott* (1901, 1 Q. B. 240), supported.

Held, also, that a proviso to deduct a debt due to the testator from such share took effect.—*RE PEARSON, Sargant, J.*, 83; 1920, 1 Ch. 247.

18. *Gift to married woman living apart from her husband—Limitation or condition—Public policy.*—A bequest by a married man to a married woman with whom he was living, but who had been deserted by her husband, of an annuity, provided and as long as she did not return to live with her then present husband, or re-marry, and live a clean, moral, and respectable life, to be reduced in the event of her re-marriage or return to her husband. Held not contrary to the policy of the law.

*Re Moore* (1887, 39 Ch. D. 116) distinguished.  
*Re Carleton* (1911, W. N. 54) applied.—*RE LOVELL, Lawrence, J.*, 35; 1920, 1 Ch. 122.

19. *Legacy—Death duties—Immediate legacies—Deferred legacies—Testamentary expenses including death duties—Direction to pay—Whether legacies free of duty.*—A testatrix, who made her will in 1896 and died in 1919, bequeathed several legacies, some of which were immediately payable, and others were only payable upon the death of the tenant for life. She directed her executors to pay "testamentary expenses including death duties."

Held, that none of the legatees were entitled to have the duties payable on their respective interests discharged out of the residuary personal estate.—*RE MASSEY, Eve, J.*, 308.

20. *Legacy to infant—Appropriation—Liability of trustees—Freeing the residue—Payment into court—Trustee Act, 1893, s. 42—Land Transfer Act, 1897, s. 4.*—As a general rule, trustees cannot appropriate an infant's legacy so as to free themselves or the residuary estate from liability in case of depreciation. The only way is for the trustees to pay the legacy into court under the Trustee Act, 1893, s. 42, or to obtain the consent of the court to appropriation in an administration action.

*Re Hall* (1903, 2 Ch. 226) considered.—*RE SALOMONS, Eve, J.*, 241; 1920, 1 Ch. 290.

21. *Protected life interest—Assign or affect to assign—Order in lunacy appointing receiver—Forfeiture—Invalidity of charge.*—53 Vict. c. 5, s. 116.—By his will the testator gave a sum of £6,000 upon trust to pay the income to F. D. Marshall until he should become bankrupt or assign or affect to assign the income. In 1916 an order was made in lunacy appointing a receiver of the income, and subsequently the said F. D. Marshall purported to charge his life interest.

Held, that the charge was invalid.—*RE MARSHALL, Eve, J.*, 241; 1920, 1 Ch. 284.

22. *Real estate—Equitable limitations—Legal limitations—Revocation of first life interest—First estate tail not in esse—Second life estate accelerated.*—Where a testator devised his estates upon trust after certain payments out of the income to A. for life with remainder to A's first and other sons successively according to seniority in tail male with remainder to the use of B. for life, with divers remainders over, and subsequently by codicil revoked the devise to A. for life and in lieu thereof devised the estate to the use of the trustees during A's life upon trust out of the income to pay him a certain annuity, and A. at the time of the testator's death was married but had no children.

Held, that pending the birth of A's son the infant B. was entitled to the surplus rents in the hands of the trustees. The limitations being equitable there was no difficulty in carrying out the testator's intention even though it involved an elaborate system of springing and shifting uses.—*RE CONYNGHAM, Ashbury, J.*, 651.

23. *Soldier's will—Letter containing instructions for alteration of will—Real and personal estate intended to be disposed of—Death before preparation of codicil possible—Document ineffective as to real estate—Gifts of personality dependent on gifts of realty.*—An officer who had been taken a prisoner of war wrote home a letter to his wife containing instructions to be given to his solicitor for alterations to his existing will both as regards real and personal estates, owing to acquisitions of the former and changes in his interests in the latter. He died in Germany before a codicil could be prepared and sent to him for his execution, and before the passing of the Wills (Soldiers' and Sailors') Act, 1918.

Held (Scrutton, L.J., dissenting), that the gifts of realty and personality intended by the testator to be carried into effect were so inter-dependent that as the document could not take effect as a will with regard to realty, it ought not to be admitted to probate as a will of personality only, as to do so would defeat the testator's real intentions.

Decision of Horridge, J., affirmed.—*RE GODMAN, C.A.*, 424.

24. *Specific bequests of Exchequer Bonds and 4½ per cent. War Loan—Conversion into 5 per cent. War Loan—Ademption.*—Specific bequests of Exchequer Bonds and 4½ per cent. War Loan are not adeemed by their conversion by the testator into 5 per cent. War Loan, for such conversion is not a purchase, but an exchange.

The Treasury rules issued under the War Loans Acts are statutory rules, having the force of statutory provisions.—*RE MACARTNEY, Lawrence, J.*, 409.

25. *Woman married before 1st January, 1883—Possessory title by husband—Concealed fraud—Estoppel or election—Real Property Limitation Act, 1833 (3 & 4 Will. 4, c. 27), s. 26—Real Property Limitation Act, 1874 (37 & 38 Vict. c. 57), s. 1—Married Women's Property Act, 1882 (45 & 46 Vict. c. 75).*—Where the facts of the case are consistent either with the view that a man was ignorant of the law or that he was guilty of fraud, the Court will not necessarily find him guilty of concealed fraud within section 26 of the Real Property Limitation Act, 1833, simply on the ground of his being a solicitor; the court must be satisfied that he was guilty of fraud.

*Willis v. Earl Howe* (1893, 2 Ch. 545).

A married woman married before the Married Woman's Property Act, 1882, owned a leasehold house in 1880, and purchased the freehold reversion thereof in 1883, and purported to devise by her will in 1888, all the said freehold house; but the leasehold term had not merged in the freehold because of her husband's interest therein, and on her death he became entitled thereto, *jure mariti*. The testatrix also bequeathed all her personal estate to her husband.

Held, the husband, having accepted her personal estate, must be treated as having elected to allow his interest in her said freehold to pass under her will.—*RE COOLE, Peterson, J.*, 739.

#### WORKMEN'S COMPENSATION:—

1. *Collier stops work complaining of severe pain—A week later operation for strangulated hernia—Death follows operation—Medical evidence that hernia might have been due to natural causes or strain at work—Inference drawn by county court judge—Onus of proof—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 1.*—A collier, whose work was to lift loaded tubs on to the rails at the pit top, while so employed complained of great pain and went home. He remained in bed, and vomiting continued all the time. Seven days afterwards he was operated on for strangulated hernia, but death ensued upon the operation. The only evidence that diminished at all the strong probability of the connection between the workman's exertions and the hernia was that of the doctors, who said that gangrenous condition might be expected to set in within a few hours to three days after the rupture, whereas in this case that condition had not existed until after that period had passed from the time the man left off work. The county court judge rejected the employers' contention that the hernia was caused by the vomiting, and decided that the injury by accident arose out of and in the course of the deceased man's employment; but the Court of Appeal were of opinion that the defendant had failed to establish that the accident happened at the time alleged and gave judgment for the employers.

Held, that although in cases where the admitted facts gave rise to conflicting inferences of equal degree, so that the probability one way or the other as to the cause of the accident was a matter of conjecture, the applicant would rightly be required to prove affirmatively the claim made or fail; but where the probabilities were not equal the county court judge was entitled to weigh them and draw an inference of fact therefrom, and so long as there was evidence to support his finding the court had no jurisdiction to question his award.—*LANCASTER v. BLACKWELL COLLIERY, H.L.*, 113.

2. *"Employment"—Accident during dinner hour—Fall on steps leading from canteen when going back to work—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 1 (1).*—The appellants provided a canteen for the use of their workwomen over their offices. Access could be obtained to the canteen from the premises direct by a door which opened into the factory yard; but this door was only opened at night, for the use of the night shift. It was a rule at the appellants' works that all employees should leave the premises at 1 p.m. for an hour, being free to go where they liked to obtain their dinner. The use of the canteen was purely voluntary on the part of the employees; they might either buy their food there or eat what they themselves had brought with them for their dinner.

The respondent on the day of the accident went to the canteen for dinner, and in hurrying back, when the hooter sounded a few minutes before 2 o'clock, to "clock on" for her afternoon's work

fell on the steps fractured her leg the county Court of Appeal

The employer held (L.C.) that the accident was not an employment injury

Decision 12 B. W. 388.

3. *Employment from mouth of Mines Act, out of, and compensation 2 Coal Mines under section effect as if missed fire the same his cable shall be drawn which the regulations a fresh examination which he his widow.*

Held, that acting contrary to safety of which was injury did BURTON v.

4. *"Employment"—Thatching—Evidence 1906 (6 Ed. 7, c. 58), s. 1. Tipperary, a casual labourer doing such like. They themselves cottage, he died some award in fact set the award.*

Held, that "the purpose" of the Act was to protect the parties here on view supported, set it aside. CANTWELL.

5. *"Employment"—Wo 1911, ss. 35 (e).—A mine explosion a match to was so injured Mines Act prohibited section 32.*

The widow her husband's death, did the striking prohibited incidental H.L., 374.

6. *"Employment"—go to work waiting in Act, 1906 the appellants work. It He went to catch the way was*



fell on the stone stairs leading from the canteen to the road and fractured her ankle. She claimed compensation successfully in the county court, and the award in her favour was affirmed by the Court of Appeal.

The employers appealed.

Held (Lord Finlay and Lord Dunedin dissenting), that the accident arose out of and in the course of the respondent's employment.

Decision of the Court of Appeal (63 SOLICITORS' JOURNAL, 534; 12 B. W. C. C. 198) affirmed.—ARMSTRONG & Co. v. REDFORD, H.L., 388.

3. *Employment—Misfire of blasting shot—Drilling out stemming from mouth of shot-hole—Breach of regulation made under Coal Mines Act, 1911 (1 & 2 Geo. 5, c. 30), s. 86—Accident not arising out of, and in the course of, the employment—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 1 (1).*—The Explosives in Coal Mines Order of 1st September, 1913, containing regulations, under section 61 (4) of the Coal Mines Act, 1911, which have effect as if enacted in the Act, provides, by Rule 3, that "If a shot missed fire . . . (c) A second charge shall not be placed in the same hole," and (e) "except where misfire is due to a faulty cable . . . another shot shall be fired in a fresh hole, which shall be drilled not less than twelve inches away from the hole in which the shot has misfired." A miner went to get coal at a place where a shot had missed fire two days previously. Contrary to the regulations, he began to drill out the stemming in order to insert a fresh explosive. An explosion followed, from the effects of which he ultimately died. In a claim for compensation made by his widow,

Held, that, in drilling out the old stemming, the workman was acting contrary to an express statutory prohibition, made for the safety of himself and others, and was, therefore, doing an act which was expressly excluded from his employment, and the injury did not arise out of, or in the course of, his employment.—BURTON v. BEAUCHAMP, H.L., 601.

4. *Employment—Purposes of employer's trade or business—Thatching roof of farmhouse—Casual labourer—Payment by day—Evidence as to local practice—Workman's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 13.*—The respondent, a farmer living near Tipperary, engaged a man to thatch his farmhouse. The man was a casual labourer, who worked for farmers in the neighbourhood, doing such odd jobs as cutting turf, thatching cottages and the like. There was evidence that farmers often thatched the cottages themselves. While engaged in thatching respondent's farm cottage, he fell from the roof, sustaining injuries from which he died some months afterwards. The county court judge made an award in favour of his widow, but the Court of Appeal in Ireland set the award aside. The widow appealed.

Held, that the question whether a workman was employed for "the purposes of his employer's trade or business" within section 13 of the Act was a question of fact that could only be decided on the particular circumstances of each case. There was evidence here on which the award of the county court judge could be supported, and the Court of Appeal in Ireland ought not to have set it aside. The appeal was therefore allowed.—MANTON v. CANTWELL, H.L., 477.

5. *Employment—Serious and wilful misconduct—Added peril—Workman lighting his pipe in fiery mine—Coal Mines Act, 1911, ss. 32, 35—Workmen's Compensation Act, 1906, s. 1 (1) and 2 (c).*—A miner who was working in a coal pit where there was risk of explosion from fire damp knocked off work at half-time and struck a match to light his pipe. There was an explosion, and the man was so injured that he died shortly afterwards. By the Coal Mines Act, 1911, the taking of matches into such a mine was prohibited, and the lighting of a match was an offence under section 32 of the Act.

The widow claimed compensation, alleging that the accident to her husband arose out of and in the course of his employment,

and, dismissing the claim that the proximate cause of death was the striking of the match, which in the circumstances was an act prohibited by statute, and added a peril which was in no way incidental to his employment.—ROBERTSON v. WOODLEE COAL CO., H.L., 374.

6. *Employment—Workman oversleeps himself and does not go to work—Goes to mine in the afternoon to draw his wages—While waiting is injured by runaway waggon—Workmen's Compensation Act, 1906 (7 Ed. 7, c. 58), s. 1.*—The respondent, a lad employed by the appellants, overslept himself one morning, and did not go to work. It was a Friday, the day on which the hands were paid. He went to the mine in the afternoon, and while waiting about to catch the man who gave out the pay bills, was run over by a runaway waggon and severely injured.

Held, that the accident arose out of and in the course of the employment. Although he was not working that day, his contract of employment had not ceased, and he was entitled to go to the mine to receive the wages due to him.—BAIRD & Co. v. M'GRAW, H.L., 650.

7. *Industrial disease—Anthrax—Death of dock labourer—Nature of employment—Process of handling hides and skins—Onus of proof—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 8 (2), Schedule III.*—A foreman dock labourer died of anthrax, a disease specified in Schedule III. of the Workmen's Compensation Act, as liable to be incurred in the process of "handling of . . . hides and skins." The deceased workman was in charge of a gang which was frequently employed in loading hides and skins into ships, and whether so employed or not had constantly to pass through sheds where quantities of hides and skins were stored. On a claim for compensation being made by his dependants, the county court judge dismissed the application on the ground that workman was not proved to have been physically engaged in handling hides or skins at or immediately before his disablement.

Held, a misdirection. On the evidence, this was part, though not the whole, of his regular duties, and that being so, he was employed in a scheduled process immediately before his disablement, and therefore there was a presumption, which the employers offered no evidence to displace, that his death was due to injury caused by the nature of his employment.—MEADOWS v. ELLERMAN LINES, C.A., 698.

8. *Notice of accident—Verbal notice by fellow-workman to official—Failure by official to report—No formal notice—Prejudice of employer—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 2 (1) (a).*—A miner while at work was struck by a splinter of coal in the eye. He treated the injury at first as being trivial, and gave no notice to his employer, but informed a fellow-workman who had inquired as to the cause of his absence from work. The fellow-workman informed the fireman, an official authorized to receive notice of accidents, but the latter made no report to his employers.

Held, that the county court judge was justified in finding, in the absence of any positive evidence of prejudice, that the employers had not been prejudiced in their defence by the want of notice. Prejudice may be quite independent of notice. Notice need not be given by or on behalf of the workman. It is sufficient if notice is received by a person authorized to receive it, but his failure to pass on the notice cannot prejudice the rights of the workman.—HOWARTH v. CLIFTON COAL CO., C.A., 635.

9. *Notice to employer—Continued employment at full wages—Workman suffering some incapacity—No claim made for over two years—Reasonable cause for delay—Question of law—Workmen's Compensation Act, 1906 (6 Ed. 7, c. 58), s. 2.*—A workman sustained injury by accident, causing rupture, in the course of his employment, and gave notice to the officials of the railway company employing him. He went to the hospital, and after being fitted with a truss, returned to work, and continued for over two years without making any claim for compensation until after he was discharged. He was only able to do light or supervising work and was frequently obliged to sit down and rest, and his disability and the cause of it was well known to the officials.

Held (reversing the county court judge), that on these facts there was reasonable cause for delay in making the claim. The question of reasonableness is one of law, not of fact.

King v. Port of London Authority (63 SOLICITORS' JOURNAL, 661) applied.—HILLMAN v. L. B. & S. C. RLY., C.A., 82; 1920, 1 K. B. 284.

10. *Partial dependency—Death of one dependant before application—Measure of compensation—"Reasonable and proportionate to the injury"—Workmen's Compensation Act (6 Ed. 7, c. 58), Sched. I. (1).*—A workman having been killed by accident, arising out of and in the course of his employment, leaving widow and one daughter, the widow died less than four weeks afterwards. A claim was made by the widow's elder daughter, as her legal personal representative, and the workman's own daughter, a girl of thirteen, to compensation as partial dependants of the deceased workman, and for an apportionment of the amount due to the personal representative between the two daughters. The county court judge awarded £250, and made no apportionment. As the workman's daughter only claimed £50 as a direct dependant, the remaining £200 was payable to the widow's representative.

Held, that as the widow had only survived the workman and lost his support for four weeks, the case must go back for reassessment. The compensation had been awarded on a wrong principle, in the belief that the workman's daughter would share in the £200 as part of her mother's estate.—PHILLIPS v. KERSHAW, C.A., 584.

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# STATUTES

Enacted in the Session of Parliament, 1919—(continued).

## CHAPTER 67.

### SUPERANNUATION (PRISON OFFICERS) ACT, 1919.

An Act to amend the Superannuation Acts in their application to officers employed in Prisons and Criminal Lunatic Asylums.

[20th November, 1919.]

Be it enacted, &c. :—

1. *Amendment of Superannuation Acts in their application to prison officers.*—(d) The Superannuation Acts, 1834 to 1914, shall, in their application to officers employed in prisons and criminal lunatic asylums of such classes as the Secretary of State, or in Scotland the Secretary for Scotland, or in Ireland the Lord Lieutenant, with the approval in each case of the Treasury, may from time to time prescribe, have effect subject to the following modifications :—

(a) Fifty-five years shall be substituted for sixty years as the age on retirement at which without a medical certificate a superannuation allowance may be granted, and accordingly sections ten and eleven of the Superannuation Act, 1859 (22 Vict. c. 26), shall, in their application to such officers as aforesaid, have effect as if for "sixty years" there were substituted "fifty-five years" ;

(b) In calculating the amount of the superannuation allowance or additional allowance of any such officer, the proportion of the annual salary and emoluments to be added in respect of the twenty-first and every subsequent year of service—

(i) in the case of a person to whom section one of the Superannuation Act, 1909 (9 Ed. 7, c. 10), applies, shall, as respects superannuation allowance, be two-eightieths instead of one-eightieth, and as respects additional allowance be two-thirtieths instead of one-thirtieth ; and

(ii) as respects the superannuation allowance of a person to whom that section does not apply, shall be two-sixtieths instead of one-sixtieth ;

Provided that nothing in this section shall affect the maximum amount of the superannuation allowance or additional allowance which may be granted to any such person.

(2) This section shall have effect with respect to the superannuation and additional allowance of officers who have retired at any time since the seventeenth day of September nineteen hundred and eighteen.

2. *Short Title.*—This Act may be cited as the Superannuation (Prison Officers) Act, 1919, and the Superannuation Acts, 1834 to 1914, and this Act may be cited together as the Superannuation Acts, 1834 to 1919.

## CHAPTER 68.

### CONSTABULARY AND POLICE (IRELAND) ACT, 1919.

An Act to amend the Law relating to the Royal Irish Constabulary and Dublin Metropolitan Police.

[20th November, 1919.]

Be it enacted, &c. :—

1. *Constitution of representative police bodies.*—(1) For the purpose of enabling the members of the Royal Irish Constabulary and Dublin Metropolitan Police to consider and bring to the notice of the chief officer and of the Lord Lieutenant all the matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals, there shall be established in each force, in accordance with rules made by the Lord Lieutenant, a representative body or bodies for all or each of the ranks below the rank of assistant inspector general in the case of the Royal Irish Constabulary, and for all or each of the ranks below the rank of chief superintendent in the case of the Dublin Metropolitan Police, consisting of representatives elected by the members of the ranks or rank represented from amongst their number in manner prescribed by those rules.

(2) Each representative body shall be entirely independent of and unassociated with any body or person outside the force which it represents.

2. *Prohibition against constables being members of trade unions.*—

(1) Subject as aforesaid, it shall not be lawful for a member of either police force to become, or after the expiration of one month from the passing of this Act to be, a member of any trade union, or of any association of which the objects or one of the objects are or is to control or influence the pay, pensions, or conditions of service of any police force ; and any member of either force who contravenes this provision shall be disqualified for continuing to be a member of the force ; and if any member of either force continues to act as such after becoming so disqualified he shall forfeit all pension rights

and be disqualified for being thereafter employed in any police force :

Provided that, where a man was a member of a trade union before becoming a member of the force, he may, with the consent of the chief officer, continue to be a member of that union during the time of his service in the force.

(2) If any question arises whether any body or association is a trade union or association to which this section applies, the question shall be determined by the Lord Lieutenant.

3. *Penalty on persons causing disaffection, &c.*—If any person causes, or attempts to cause, or does any act calculated to cause disaffection amongst the members of any police force, or induces, or attempts to induce, or does any act calculated to induce any member of a police force to withhold his services or to commit breaches of discipline, he shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine, and in either case, if a member of a police force, shall forfeit all pension rights and be disqualified for being a member of any police force.

4. *Power of Lord Lieutenant to regulate pay, &c., of either force.*—

(1) It shall be lawful for the Lord Lieutenant, with the concurrence of the Treasury, to make orders as to the pay, pensions, and allowances of members of either police force, and by any such order to prescribe rates and scales of pay, pensions, and allowances (including conditions applicable thereto) as respects all the members of the force to which the order relates or as respects any rank, class or grade in the force, and, subject to the provisions of the order, any rates, scales, and conditions thereby prescribed shall have effect as from the date therein specified in substitution for the rates, scales, and conditions in force immediately before the making of the order, whether such last-mentioned rates, scales, or conditions were prescribed by statute or any previous order under this section or otherwise :

Provided always that any person who was a member of either police force on the first day of April nineteen hundred and nineteen shall be deemed to be a member of such force for the purposes of this section.

(2) A draft of any order proposed to be made under this section shall be submitted to the representative body or bodies representing any rank or ranks affected, and before making the order the Lord Lieutenant shall consider any representations made by such body or bodies.

(3) Any order made under this section shall be laid before both Houses of Parliament within forty days next after it is made if Parliament is then sitting, or, if not, within forty days after the commencement of the then next ensuing session, and, if an Address is presented to His Majesty by either of those Houses within the next subsequent fourteen days on which that House has sat next after any such order is laid before it praying that any such order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the order so annulled shall forthwith become void, but without prejudice to the validity of any proceedings or acts which may, in the meantime, have been taken or done under the order.

Section one of the Rules Publication Act, 1893 (56 & 57 Vict. c. 66), shall not apply to any such order.

(4) Subject as aforesaid, any order made under this section shall have effect as if enacted in this Act, but may be revoked or varied as occasion requires by any subsequent order so made.

5. *Amendment of 4 & 5 Geo. 5, c. 84, s. 1.*—Where a member of either police force to whom sub-section (1) of section one of the Irish Police Constables (Naval and Military Service) Act, 1914, as extended by any subsequent enactment, applies is unable owing to injuries, ill-health, or other reasonable cause to return to the police force immediately after the termination of his service in the Navy, Army, or Air Force, the interval between the termination of such service and his return to the police force may, if the Lord Lieutenant so directs, be reckoned as a period of service in the police force in calculating any police pension, allowance, or gratuity that may be granted to him or his dependants.

6. *Amendment of 5 & 6 Geo. 5, c. 32.*—Sub-section (2) of section one of the Irish Police (Naval and Military Service) Act, 1915, shall have effect and shall be deemed always to have had effect as if for the words "pensions and allowances equal to one-half the amount payable out of naval or military funds" there were substituted the words "pensions and allowances in addition to the amount payable out of naval, military, or air force funds," and as if it authorized pensions and allowances granted thereunder to be reckoned on the rate of pay

which the man would have been receiving at the date of his death or disablement had he then been a member of the police force.

7. *Amendment of 6 & 7 Geo. 5, c. 59, s. 2.*—Sub-section (4) of section two of the Constabulary and Police (Ireland) Act, 1916, shall have effect and shall be deemed always to have had effect as if the following proviso were inserted at the end thereof, namely:—

"Provided that, in the case of a constable promoted as aforesaid, and retiring at any time after the first day of September nineteen hundred and eighteen, the pension shall not be less than if the constable had continued in his former rank."

8. *Pendency on unauthorised use of police uniform.*—If any person not being a member of a police force wears without the permission of the chief officer the uniform of either police force, or any dress having the appearance or bearing any of the distinctive marks of such uniform, he shall, on summary conviction, be liable to a fine not exceeding ten pounds:

Provided that this section shall not prevent persons from wearing any uniform or dress in the course of a stage play or music hall or circus performance.

9. *Interpretation and short title.*—(1) In this Act, unless the context otherwise requires,—

The expression "chief officer" means in the case of the Royal Irish Constabulary the Inspector-General, and in the case of the Dublin Metropolitan Police the Chief Commissioner;

The expression "pensions" includes gratuities; and

The expression "pensions and allowances of members" includes pensions and allowances of widows or children of members.

For the purpose of the provisions of this Act as to representative bodies, a detective officer of the Dublin Metropolitan Police shall be deemed to belong to the same rank as a constable of that force.

(2) This Act may be cited as the Constabulary and Police (Ireland) Act, 1919.

## CHAPTER 69.

### INDUSTRIAL COURTS ACT, 1919.

An Act to provide for the establishment of an Industrial Court and Courts of Inquiry in connection with Trade Disputes, and to make other provision for the settlement of such disputes, and to continue for a limited period certain of the provisions of the Wages (Temporary Regulation) Act, 1918. [20th November, 1919.]

Be it enacted, &c. :—

#### PART I. INDUSTRIAL COURTS.

1. *Constitution of Industrial Court.*—(1) For the purpose of the settlement of trade disputes in manner provided by this Act, there shall be a standing Industrial Court, consisting of persons to be appointed by the Minister of Labour (in this Act referred to as "the Minister"), of whom some shall be independent persons, some shall be persons representing employers, and some shall be persons representing workmen, and in addition one or more women.

(2) A member of the Industrial Court shall hold office for such term as may be fixed by the Minister at the time of his appointment.

(3) For the purpose of dealing with any matter which may be referred to it, the Court shall be constituted of such of the members of the Court as the president may direct.

(4) The president of the Court, and the chairman of any division of the Court, shall be such person, being one of the independent persons aforesaid, as the Minister may by order, given either generally or specially, direct.

2. *Reference of disputes to Industrial Court or to arbitration.*—(1) Any trade dispute as defined by this Act, whether existing or apprehended, may be reported to the Minister by or on behalf of either of the parties to the dispute, and the Minister shall thereupon take the matter into his consideration and take such steps as seem to him expedient for promoting a settlement thereof.

(2) Where a trade dispute exists or is apprehended, the Minister may, subject as hereinafter provided, if he thinks fit and if both parties consent, either—

(a) refer the matter for settlement to the Industrial Court; or

(b) refer the matter for settlement to the arbitration of one or more persons appointed by him; or

(c) refer the matter for settlement to a board of arbitration consisting of one or more persons nominated by or on behalf of the employers concerned and an equal number of persons nominated by or on behalf of the workmen concerned, and an independent chairman nominated by the Minister, and, for the purpose of facilitating the nomination of persons to act as members of a board of arbitration, the Minister of Labour shall constitute panels of persons appearing to him suitable so to act, and women shall be included in the panels.

(3) The Minister may refer to the Industrial Court for advice any matter relating to or arising out of a trade dispute, or trade disputes in general or trade disputes of any class, or any other matter which in his opinion ought to be so referred.

(4) If there are existing in any trade or industry any arrangements for settlement by conciliation or arbitration of disputes in such trade or industry, or any branch thereof, made in pursuance of an agreement between organisations of employers and organisations of workmen representative respectively of substantial proportions of the employers and workmen engaged in that trade or industry, the Minister shall not, unless with the consent of both parties to the dispute, and unless and

until there has been a failure to obtain a settlement by means of those arrangements, refer the matter for settlement or advice in accordance with the foregoing provisions of this section.

3. *Procedure of Industrial Court and on arbitrations.*—(1) The Minister may make, or authorize the Industrial Court to make, rules regulating the procedure of that Court, and those rules may, amongst other things, provide for references in certain cases to a single member of the Court, and provide for enabling the Court to sit in two or more divisions, and to sit with assessors, who may be men or women, for enabling the Court or any division of the Court to act notwithstanding any vacancy in their number, and for enabling questions as to the interpretation of any award to be settled without any fresh report or reference.

(2) The Minister may make rules regulating the procedure to be followed in cases where matters are referred for settlement to the arbitration of one or more persons appointed by the Minister.

(3) The Arbitration Act, 1889 [52 & 53 Vict. c. 49], shall not apply to any reference to the Industrial Court, or to any reference to arbitration under this Act.

(4) Where the members of the Industrial Court are unable to agree as to their award, the matter shall be decided by the chairman acting with the full powers of an umpire.

(5) Where any trade dispute referred to the Industrial Court involves questions as to wages, or as to hours of work, or otherwise as to the terms or conditions of or affecting employment which are regulated by any Act, other than this Act, the Court shall not make any award which is inconsistent with the provisions of that Act.

## PART II.

### COURTS OF INQUIRY.

4. *Inquiry into trade disputes.*—(1) Where any trade dispute exists or is apprehended, the Minister may, whether or not the dispute is reported to him under Part I. of this Act, inquire into the causes and circumstances of the dispute, and, if he thinks fit, refer any matters appearing to him to be connected with or relevant to the dispute to a court of inquiry appointed by him for the purpose of such reference, and the Court shall, either in public or in private, at their discretion, inquire into the matters referred to them and report thereon to the Minister.

(2) A court of inquiry for the purposes of this Part of this Act (in this Act referred to as "a court of inquiry") shall consist of a chairman and such other persons as the Minister thinks fit to appoint, or may, if the Minister thinks fit, consist of one person appointed by the Minister.

(3) A court of inquiry may act notwithstanding any vacancy in their number.

(4) The Minister may make rules regulating the procedure of any court of inquiry, including rules as to summoning of witnesses, quorum, and the appointment of committees and enabling the court to call for such documents as the court may determine to be relevant to the subject-matter of the inquiry.

(5) A court of inquiry may, if and to such extent as may be authorized by rules made under this section, by order require any person who appears to the court to have any knowledge of the subject-matter of the inquiry to furnish, in writing or otherwise, such particulars in relation thereto as the court may require, and, where necessary, to attend before the court and give evidence on oath, and the court may administer or authorize any person to administer an oath for that purpose.

5. *Reports.*—(1) A court of inquiry may, if it thinks fit, make interim reports.

(2) Any report of a court of inquiry, and any minority report, shall be laid as soon as may be before both Houses of Parliament.

(3) The Minister may, whether before or after any such report has been laid before Parliament, publish or cause to be published from time to time, in such manner as he thinks fit, any information obtained or conclusions arrived at by the court as the result or in the course of their inquiry:

Provided that there shall not be included in any report or publication made or authorized by the court or the Minister any information obtained by the court in the course of their inquiry as to any trade union or as to any individual business (whether carried on by a person, firm, or company) which is not available otherwise than through evidence given at the inquiry, except with the consent of the secretary of the trade union or of the person, firm, or company in question, nor shall any individual member of the court or any person concerned in the inquiry, without such consent, disclose any such information.

## PART III.

### CONTINUANCE OF CERTAIN PROVISIONS OF WAGES (TEMPORARY REGULATION) ACT, 1918.

6. *Continuance of 8 & 9 Geo. 5, c. 61.*—(1) The provisions of the Wages (Temporary Regulation) Act, 1918, which are specified in the Schedule to this Act shall, subject to the modifications specified in the second column of that Schedule, continue in operation until the thirtieth day of September nineteen hundred and twenty.

(2) Where, before the passing of this Act, any matter has been referred for settlement under the Wages (Temporary Regulation) Act, 1918, and has not, at that date, been settled by the person or persons to whom it has been so referred, the Minister may by order transfer the matter to the Industrial Court, and where any such matter is so



transferred the award of that court shall have effect as if it were an award of the interim court of arbitration made under that Act.

**PART IV.  
GENERAL.**

**7. Remuneration and expenses.**—Any expenses incurred by the Minister in carrying this Act into operation, including the expenses of the Industrial Court and of any court of inquiry, shall be paid out of moneys provided by Parliament.

**8. Definition of "trade dispute."**—For the purposes of this Act:—

The expression "trade dispute" means any dispute or difference between employers and workmen, or between workmen and workmen connected with the employment or non-employment, or the terms of the employment or with the conditions of labour of any person:

The expression "workman" means any person who has entered into or works under a contract with an employer whether the contract be by way of manual labour, clerical work, or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour.

**9. Rules as to appearance by counsel or solicitor.**—Provision shall be made by rules under this Act with respect to the cases in which persons may appear by counsel or solicitor on proceedings under this Act before the Industrial Court, before an arbitrator or before a court of inquiry, and except as provided by those rules no person shall be entitled to appear on any such proceedings by counsel or solicitor.

**10. Application of Act to the Crown.**—This Act shall not apply to persons in the naval, military, or air services of the Crown, but otherwise shall apply to workmen employed by or under the Crown in the same manner as if they were employed by or under a private person.

**11. Provision in case of trade disputes in the industry of agriculture.**—In the case of a trade dispute in the industry of agriculture, steps to be taken under this Act by the Ministry of Labour shall be taken in conjunction with the Board of Agriculture and Fisheries.

**12. Application to Scotland and Ireland.**—(1) In the application of this Act to Scotland a reference to an oversman shall be substituted for any reference to an umpire, and a reference to the Board of Agriculture for Scotland shall be substituted for any reference to the Board of Agriculture and Fisheries.

(2) In the application of this Act to Ireland, a reference to the Department of Agriculture and Technical Instruction for Ireland shall be substituted for any reference to the Board of Agriculture and Fisheries.

**13. Report to Parliament.**—The Minister shall from time to time present to Parliament a report of his proceedings under this Act.

**14. Short title.**—This Act may be cited as the Industrial Courts Act, 1919.

**SCHEDULE.**

**Provisions continued in Force**

**Modifications.**

**S. 1** Obligation to pay prescribed rates of wages). As from the commencement of this Act the power to substitute any enforceable rate for the prescribed rate shall cease, without prejudice, however, to the enforceability of any rate substituted for the prescribed rate before the commencement of this Act, whether the substituted rate has or has not come into operation before that date, and without prejudice to the enforceability of any rate substituted for the prescribed rate by an award of the Industrial Court under Part III. of this Act.

**Subs. (2) of s. 2** (Settlement of differences). As from the commencement of this Act matters instead of being referred for settlement as provided in subs. (2) shall be referred to the Industrial Court. The words "or as to whether any rate should be substituted for the prescribed rate" shall cease to have effect, and the proviso to subs. (2) shall not apply.

**S. 3** (Powers of inquiry).

**S. 4** (Definition of prescribed rates of wages). As from the commencement of this Act a reference to the Industrial Court shall be substituted for any reference to the Interim Court of Arbitration.

**S. 5** (Legal proceedings).

**CHAPTER 70.**

**COUNTY COURT JUDGES (RETIREMENT PENSIONS AND DEPUTIES) ACT 1919.**

An Act to make further provision with respect to the Retirement and

Pensions of County Court Judges and the employment of deputy judges, and for purposes in connection therewith.

[23rd December, 1919.]

Be it enacted, &c. :—

**1. Compulsory retirement of judges.**—The office of county court judge shall be vacated at the end of the completed year of service in the course of which the holder of the office attains the age of seventy-two:

Provided that the Lord Chancellor may extend that age from time to time up to such later age (not exceeding seventy-five) as he thinks fit in the case of any county court judge who has attained the age of seventy-two, if he considers that the retention of his services would be desirable in the public interest.

**2. Pensions of county court judges.**—(1) It shall be lawful for the Lord Chancellor from time to time to recommend to the Treasury that there shall be paid to any county court judge:—

(a) if his office is vacated in pursuance of this Act; or

(b) if the Lord Chancellor is satisfied by means of a medical certificate that he is incapable, from infirmity of mind or body, to discharge the duties of his office, and that such incapacity is likely to be permanent; or

(c) if he retires after fifteen years' service, and at the time of retirement had attained the age of sixty-five years.

an annual sum by way of pension calculated in accordance with the scale contained in the Schedule to this Act, and such sum shall be charged on and paid out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, and shall be paid quarterly or otherwise in every year as the Treasury may direct.

(2) A person to whom a pension has been granted under this Act before he has attained the age of seventy-two years, in consequence of the incapacity in this section mentioned, shall, until he has attained that age, be liable to be called upon by the Lord Chancellor to resume the duties of a county court judge with the salary attached thereto, and, if (being in a competent state of health) he declines when so called upon to resume such duties or declines or neglects to execute such duties satisfactorily, he shall forfeit his right to the pension which has been granted to him.

(3) Whenever a person has resumed his duties as aforesaid, the payment of the pension which has been granted to him shall be suspended during his period of resumed service, but at the end of that period his pension shall again be payable and be recalculated in accordance with the said scale, and for that purpose the period of his resumed service shall be added to his former period of service.

(4) In the exercise of his powers under section eight of the County Courts Act, 1888 [51 & 52 Vict. c. 43], the Lord Chancellor shall, before appointing a person to be a county court judge, take steps to satisfy himself that that person's state of health is satisfactory.

(5) The decision of the Treasury on any question which arises as to the application of any provision of this Act to any person, or as to the amount of any pension under this Act or as to the reckoning of any service for such a pension, shall be final.

**3. Application to existing judges.**—The foregoing provisions of this Act relating to retirement and pensions of county court judges shall not apply to any county court judge appointed before the first day of June nineteen hundred and nineteen unless he shall give written notice, in such form and within such period as may be prescribed by the Lord Chancellor, of his desire to accept those provisions in lieu of the provisions repealed by this Act.

**4. Remuneration and qualification of deputy judges.**—(1) Where a deputy has been appointed in the case of illness of any judge, the Treasury may, on the recommendation of the Lord Chancellor, allow the deputy such remuneration as they think fit, and the remuneration so allowed shall be paid out of money provided by Parliament.

(2) It is hereby declared that amongst the persons qualified to be appointed as deputy judge under section eighteen of the principal Act there is included a former judge of county courts.

**5. Repeal, construction, and citation.**—(1) Section twenty-four of the County Courts Act, 1888, is hereby repealed, except as respects judges to whom the provisions of this Act relating to retirement and pensions of county court judges do not apply.

(2) This Act shall be construed as one with the County Courts Act, 1888, and the Acts amending the same, and the County Courts Act, 1888, the County Courts Act, 1903 [3 Ed. 7, c. 42], and this Act may be cited together as the County Courts Act, 1888 to 1919; and this Act may be cited separately as the County Court Judges (Retirement Pensions and Deputies) Act, 1919.

**SCHEDULE.**

**SCALE OF PENSIONS.**

When the number of completed years of service in the office of county court judge is:—

Less than 5,	the annual pension shall not exceed six-thirtieths of the last annual salary.
5, .....	ten-thirtieths of the last annual salary.
6, .....	eleven-thirtieths of the last annual salary.
7, .....	twelve-thirtieths of the last annual salary.
8, .....	thirteen-thirtieths of the last annual salary.
9, .....	fourteen-thirtieths of the last annual salary.

10. ....	the annual pension shall not exceed fifteen-thirtieths of the last annual salary.
11. ....	..... sixteen-thirtieths of the last annual salary.
12. ....	..... seventeen-thirtieths of the last annual salary.
13. ....	..... eighteen-thirtieths of the last annual salary.
14. ....	..... nineteen-thirtieths of the last annual salary.
15 or more ..	..... twenty-thirtieths of the last annual salary.

## CHAPTER 71.

## SEX DISQUALIFICATION (REMOVAL) ACT, 1919.

An Act to amend the Law with respect to disqualifications on account of sex. [23rd December, 1919.]

Be it enacted, &c. :—

1. *Removal of disqualification on grounds of sex.*—A person shall not be disqualified by sex or marriage from the exercise of any public function, or from being appointed to or holding any civil or judicial office or post, or from entering or assuming or carrying on any civil profession or vocation, or for admission to any incorporated society (whether incorporated by Royal Charter or otherwise), and a person shall not be exempted by sex or marriage from the liability to serve as a juror :

Provided that—

(a) notwithstanding anything in this section, His Majesty may by Order in Council authorise regulations to be made providing for and prescribing the mode of the admission of women to the civil service of His Majesty, and the conditions on which women admitted to that service may be appointed to or continue to hold posts therein, and giving power to reserve to men any branch of or posts in the civil service in any of His Majesty's possessions overseas, or in any foreign country; and

(b) any judge, chairman of quarter sessions, recorder or other person before whom a case is or may be heard may, in his discretion, on an application made by or on behalf of the parties (including in criminal cases the prosecution and the accused) or any of them, or at his own instance, make an order that the jury shall be composed of men only or of women only as the case may require, or may, on an application made by a woman to be exempted from service on a jury in respect of any case by reason of the nature of the evidence to be given or of the issues to be tried, grant such exemption.

Rules of court may be made—

(a) prescribing the manner in which jurors are to be summoned and to be selected from the panel; and

(b) exempting from attendance as jurors any women who are for medical reasons unfit to attend; and

(c) as to the procedure to be adopted on any application under this section relating to service on juries.

Rules so made may require or authorise an application under this section, or any order thereon, to be made in interlocutory proceedings, and shall have full effect notwithstanding any existing rule of law or practice to the contrary.

As respects any criminal court in England, the expression "rules of court" means rules made by the Rule Committee established under the Indictments Act, 1915 [5 & 6 Geo. 5, c. 90].

Any Order in Council made under this section shall be laid before each House of Parliament forthwith, and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after the Order is laid before it, praying that the Order or any part thereof may be annulled, His Majesty in Council may annul the Order, or that part thereof, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

2. *Provision as to women who have qualified for degrees at universities not admitting women to degrees.*—A woman shall be entitled to be admitted and enrolled as a solicitor after serving under articles for three years only if either she has taken such a university degree as would have so entitled her had she been a man, or if she has been admitted to and passed the final examination and kept, under the conditions required of women by the university, the period of residence necessary for a man to obtain a degree at any university which did not at the time the examination was passed admit women to degrees.

3. *Power to universities to admit women to membership, &c.*—Nothing in the statutes or charter of any university shall be deemed to preclude the authorities of such university from making such provision as they shall think fit for the admission of women to membership thereof, or to any degree, right, or privilege therein or in connection therewith.

4. *Short title and repeal.*—(1) This Act may be cited as the Sex Disqualification (Removal) Act, 1919.

(2) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and any other enactment, Order in Council, Royal Charter, or provision, so far as inconsistent with the provisions of this Act, shall cease

to have effect, and any enactment relating to juries shall have effect so as to accord with the provisions of this Act.

## SCHEDULE.

## ENACTMENTS REPEALED.

Session and Chapter.	Act.	Extent of Repeal.
33 & 34 Vict.	The Juries Act, 1870 - - -	In section five, the definition of jurors.
34 & 35 Vict. c. 65.	The Juries Act (Ireland), 1871 -	In section three the definition of "juror."
56 & 57 Vict. c. 73.	The Local Government Act, 1894	In section twenty-two the words "a woman or."
57 & 58 Vict. c. 58.	The Local Government (Scotland) Act, 1894 - - -	In section forty the words "a woman or."
61 & 62 Vict. c. 37.	The Local Government (Ireland) Act, 1898	In section twenty-six the words "a woman or."
7 Ed. 7, c. 33.	The Qualification of Women (County and Borough Councils) Act, 1907	The proviso to subsection (1) of section one.
7 Ed. 7, c. 48.	The Qualification of Women (County and Town Councils) (Scotland) Act, 1907.	From the word "Scotland" in section 1 (1) to the end of sub-section.
1 & 2 Geo. 5, c. 35.	The Local Authorities (Ireland) (Qualification of Women) Act, 1911	The proviso to subsection (1) of section one.
4 & 5 Geo. 5, c. 21.	The County and Borough Councils (Qualification) Act, 1914	The proviso to subsection (1) of section one.
4 & 5 Geo. 5, c. 39.	The County, Town and Parish Councils (Qualification) (Scotland) Act, 1914	The proviso to subsection (1) of section one.

## CHAPTER 72.

## RATS AND MICE (DESTRUCTION) ACT, 1919.

An Act to make further provision for the destruction of Rats and Mice. [23rd December, 1919.]

1. *Penalty for failure to destroy rats and mice.*—Any person who shall fail to take such steps as may from time to time be necessary and reasonably practicable for the destruction of rats and mice on or in any land of which he is the occupier, or for preventing such land from becoming infested with rats or mice, shall be liable on summary conviction to a fine not exceeding five pounds, or, where he has been served with a notice under this Act requiring him to take such steps, not exceeding twenty pounds.

2. *Enforcement of Act.*—(1) The following local authorities shall execute and enforce this Act; that is to say,—

(a) In the city of London, the common council;

(b) In any metropolitan borough, the borough council;

(c) In any administrative county (other than the county of London) or county borough (except any part thereof which is a port sanitary district), the council of the county or borough;

(d) In any port sanitary district, the port sanitary authority;

Provided that the London County Council shall, to the exclusion of any other authority, be the local authority for the purpose of executing and enforcing this Act with respect to the sewers vested in, and the sludge vessels belonging to, that council; provided also that a county council may, with the consent of the council of any borough or county district in the county, delegate its powers and duties under this Act to that borough or district council, and, where powers and duties have been so delegated, the borough or district council shall be the local authority for the purposes of this Act.

(2) The expenses incurred by the local authority under this Act shall be defrayed in the case of a county out of the general county fund, and in the case of a port sanitary authority as part of their expenses as a port sanitary authority, and in any other case as expenses incurred by the local authority in the execution of the Public Health (London) Act, 1891 [54 & 55 Vict. c. 76], or the Public Health Act, 1875 [38 & 39 Vict. c. 55], as the case may be.

3. *Powers of Board of Agriculture and Fisheries in case of default by local authority.*—(1) Where a local authority having power to enforce this Act fails, in respect of land of which it is the occupier, to comply with the provisions of section one of this Act or fails, in respect of land for which it is the local authority under section two of this Act, to execute or enforce any of the provisions of this Act, the Board of Agriculture and Fisheries may by order empower the person therein



named to enter upon such land and to execute and enforce those provisions or to procure the execution and enforcement thereof.

(2) The expenses incurred by or on behalf of the Board by reason of any such default of a local authority shall be paid to the Board on demand by the treasurer or other proper officer of that local authority, and in default of payment the Board may recover the amount of such expenses (except in so far as such expenses are otherwise recoverable under this Act) from the local authority; and any sum paid by a local authority under this section shall be defrayed as expenses under this Act.

(3) For the purposes of this section, any statement contained in an order of the Board that a local authority has failed to comply with, execute, or enforce any of the provisions of this Act shall be conclusive evidence of such default, and a certificate by the Board of expenses incurred under this section shall be conclusive evidence of such expenses.

4. *Notice by local authority of effective methods.*—A local authority having power to enforce this Act may from time to time, by public notice within its area, give instructions as to the most effective methods that can be adopted, both individually and collectively, with a view to the destruction of rats and mice.

5. *Powers of local authorities and authorized persons, and penalty for interference.*—(1) Where a local authority having power to enforce this Act is of opinion that the occupier of any land in its district has failed to take such steps as are required by section one of this Act, such local authority may either serve a notice on the occupier requiring him to take such steps as are prescribed in the notice within a time specified therein, or after not less than twenty-four hours' previous notice to the occupier, enter upon the land and take such steps as are necessary and reasonably practicable for the purpose of destroying the rats and mice on the land or of preventing the land from becoming infested with rats and mice, and may recover any reasonable expenses so incurred from the occupier of the land summarily as a civil debt.

(2) A local authority in the exercise of its powers under this section shall, as far as possible, take or secure collective action for the destruction of rats or mice.

(3) The powers of a local authority under this Act may be exercised by any committee of the local authority to which the exercise of those powers may be delegated.

(4) Any person authorized in writing by a local authority under this Act, or by a person empowered to act in default of a local authority, may enter any land in the district of such local authority for the purpose of ascertaining whether the steps required by section one of this Act are being taken or of executing and enforcing this Act in any other respect. Any such person must produce the document by which he is authorized if so required.

(5) Any person who shall obstruct or impede an officer or other person authorized as aforesaid in the execution of his duties or powers under this Act, or who, being the occupier of any land, shall fail to comply with any reasonable requirement of any such officer or other authorized person for facilitating the execution of his duties or powers, shall be liable on summary conviction to a fine not exceeding twenty pounds.

6. *Application to vessels.*—(1) This Act shall apply to a vessel as if the vessel were land, and the master of the vessel shall be deemed to be the occupier thereof.

(2) A local authority having power to enforce this Act may, by notice served on the master of a vessel in its district, require him to take such necessary and reasonably practicable steps as are prescribed by the notice for preventing the escape of rats and mice from the ship, and, if a master fails to comply with the requirements of any such notice served on him, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

7. *Prosecutions.*—(1) A prosecution for an offence under this Act shall not be instituted except by or with the authority of the Board of Agriculture and Fisheries or the local authority: Provided that this section shall not apply to Scotland.

(2) In any proceedings under this Act a notice purporting to be signed by the clerk of a local authority shall, unless the contrary is proved, be deemed to have been signed by the clerk with the authority of the local authority.

8. *Interpretation.*—In this Act—

The expression "occupier" means, in the case of land not occupied by any tenant or other person, the owner of the land;

The expression "land" includes any buildings and any other erection on land, and any cellar, sewer, drain or culvert in or under land.

9. (1) *Application to Scotland.*

(2) *Application to Ireland.*

10. *Saving of existing powers.*—The powers conferred by this Act shall be in addition to and not in derogation of any powers conferred on any Government department or local authority, and all such powers may be exercised concurrently in respect of any land.

11. *Service of notices.*—Any notice under this Act may be served either personally or by registered post.

12. *Short title.*—This Act may be cited as the Rats and Mice (Destruction) Act, 1919, and shall come into operation on the first day of January nineteen hundred and twenty.

## CHAPTER 73.

### COUNTY COURTS ACT, 1919.

An Act to amend the law relating to County Courts and to make further provision with respect to the powers of those Courts.  
[23rd December, 1919.]

Be it enacted, &c. :—

1. *Transfer of actions of contract, of tort, and for recovery of land from High Court to county court.*—The following section shall be substituted for section sixty-five of the County Courts Act, 1888 (51 & 52 Vict. c. 43) (hereinafter referred to as "the principal Act") :—

"In any action commenced in the High Court where—

"(1) the plaintiff's claim is founded either on contract or on tort and the amount claimed or remaining in dispute in respect thereof does not exceed one hundred pounds, whether the action could or could not have been commenced in a county court, and whether the defendant does or does not set up or intend to rely on a counterclaim, and whether the counterclaim (if any) is founded on contract or on tort, and whether the amount claimed on the counterclaim exceeds or does not exceed one hundred pounds; or

"(2) the only matter remaining to be tried between the parties is a counterclaim, whether founded on contract or on tort, and whether the counterclaim if it had been an action could or could not have been commenced in a county court, and the amount claimed or remaining in dispute in respect of the counterclaim does not exceed one hundred pounds; or

"(3) the plaintiff's claim is for recovery of land, with or without a claim for rent or mesne profits, by a landlord against a tenant or any person holding or claiming by, through, or under a tenant, whose term has expired or has been duly determined by notice to quit or has become liable to forfeiture for non-payment of rent, and the action could have been commenced in a county court;

either party may at any time apply to the court or a judge for an order that the claim and counterclaim (if any) or, if the only matter remaining to be tried is a counterclaim, the counterclaim, shall be transferred—

"(a) to any county court in which the action might have been commenced if the subject matter and the amount thereof had been within the jurisdiction of the court; or

"(b) if the only matter remaining to be tried is a counterclaim, to any county court in which the counterclaim might have been commenced if it had been an action and the subject matter thereof had been within the jurisdiction of the court; or

"(c) to any county court which the court or judge may deem the most convenient to the parties;

and the court or a judge may thereupon, if the court or judge thinks fit, order the same to be so transferred accordingly."

2. *Transfer of actions of tort where plaintiff is without visible means of paying costs.*—The following section shall be substituted for section sixty-six of the principal Act :—

"In any action founded on tort commenced in the High Court the defendant may, on an affidavit made by himself or by any person on his behalf shewing that the plaintiff has no visible means of paying the costs of the defendant should a verdict not be found for the plaintiff, apply to the court or a judge for an order to transfer the action to a county court; and thereupon the court or judge, unless the plaintiff satisfies the court or judge that he has such means, may, if the court or judge having regard to all the circumstances of the case thinks fit so to do, make an order that unless the plaintiff within a time to be limited in the order gives security for the defendant's costs to the satisfaction of the court or a judge the action shall be transferred to such county court to be named in the order as the court or judge may deem the most convenient to the parties."

3. *Transfer &c., of applications to attach debts or levy execution against member of firm.*—Where an application is made to the High Court for the attachment of any debt to answer a judgment or order, or for leave to issue execution against a person as being a member of a firm against which a judgment or order has been obtained, and the amount of the debt sought to be attached, or for which execution is sought to be levied, as the case may be, does not exceed one hundred pounds the court or a judge may make an order either—

(1) transferring the matter to; or

(2) directing that any issue necessary for determining the matter shall be tried in

such county court to be named in the order as the court or judge may deem the most convenient to the parties.

4. *Procedure on transfer of cases from High Court and trial of transferred cases.*—(1) Where, under any of the provisions of the principal Act or this Act, an action or counterclaim or matter is ordered to be transferred from the High Court to a county court, any party may lodge with the registrar of the county court named in the order, or cause to be lodged with him (the order and the writ or copies thereof and such other documents (if any) as the court or judge may direct, and the proper officer of the Supreme Court shall, on the application of such party and on production of the order and the filing of a copy thereof, send by post to the registrar of the county court all pleadings, affidavits and other documents filed in the High Court relating to the action, counterclaim or matter.

On the documents aforesaid being so lodged or sent, the action and counterclaim (if any), or the counterclaim or matter, shall be transferred to the said county court, and subject to county court rules, all further proceedings therein shall be taken and tried as if the action, counterclaim, or matter had been originally commenced in that county court, and the county court shall have jurisdiction to deal with the same, any enactment to the contrary notwithstanding:

Provided that the transfer shall not affect any right of appeal in the High Court or to the Court of Appeal from the order directing the transfer, or the right to enforce in the High Court any judgment signed or order made in that Court before the transfer.

(2) Where, under the foregoing provisions of this Act, an order is made directing an issue to be tried in a county court, the order shall define the issue to be tried, and any party may lodge or cause to be lodged the order, together with the affidavits (if any) filed in matter, and such other documents (if any) as the Court or judge may direct, with the registrar of the county court named in the order, and on the documents aforesaid being so lodged the issue shall, subject to county court rules, be tried in that county court, and the judge of that county court, after the same has been so tried, shall certify the result of the trial and send his certificate to the High Court, together with the documents aforesaid and any report which he may think fit to make as to costs or otherwise.

**6. Jurisdiction of registrar.**—(1) Subject to county court rules, a registrar may, on the application of the parties and by leave of the judge, hear and determine any case in which the sum claimed or the amount involved does not exceed five pounds.

(2) Where a defendant gives notice in the prescribed manner that he admits his liability for the whole or any part of a claim, but desires the decision of the court as to the time and mode of payment thereof and offers to pay the same, the registrar shall, subject to county court rules, on such notice to the plaintiff as may be prescribed, and unless, where the defendant admits less than the full amount claimed, the plaintiff objects in the prescribed manner to accept the amount admitted and the offer of payment in satisfaction of his claim, have power to enter up judgment and, for this purpose, to decide any question as to time and mode of payment.

(3) Where the plaintiff and defendant enter into an agreement in the prescribed manner as to the amount payable in respect of the whole or any part of a claim and the terms and conditions upon which the same is to be paid and satisfied, the registrar shall, subject to county court rules, have power to enter up judgment for the amount so agreed upon and for a payment thereof upon the terms and conditions sanctioned in the agreement.

(4) In any case where the registrar has power under the principal Act or this Act to hear and determine a case or to enter up judgment he shall have power to make such order as to payment by instalments as the judge might have made, and to exercise any other power which the judge might have exercised, and, subject to the provisions of this Act with respect to appeals, any judgment entered up by the registrar in pursuance of the principal Act or this Act shall, to all intents and purposes, have the same effect and shall be enforced and enforceable in the same manner as if it had been a judgment of the judge of the same court.

**6. Power to refer matters for inquiry and report.**—(1) Subject to county court rules, the judge may in any case, with the consent of the parties, refer any action or matter or any question arising therein to the registrar or a referee for inquiry and report, and may direct how such reference shall be conducted, and may remit any report for further inquiry and report, and on consideration of any report or further report the judge may give such judgment or make such order in the action or matter as may be just, without prejudice to any right of appeal.

(2) The powers conferred by this section shall be in addition to the powers to refer matters of account to the registrar and to refer matters to arbitration conferred by sections ninety-two and one hundred and four of the principal Act.

**7. Appeals from registrar.**—Any judgment or order of a registrar, and any execution thereon (except where all parties have consented to the terms of the judgment or order), may, on application made within such time and in such manner as may be prescribed, be set aside by the judge of the county court, and the judge may give such judgment or make such order in substitution therefor as he thinks fit, or may grant a new trial on such terms (if any) as he may think fit.

**8. Default summons.**—The following section shall be substituted for section eighty-six of the principal Act:—

"(1) County court rules may provide for the issue, under the prescribed conditions, of a default summons, in the prescribed form or to the prescribed effect, in any action for a debt or liquidated demand in money, and may provide for the manner in which such a summons is to be served and the conditions (if any) under which the defendant is to be entitled to defend the action; and, where such conditions are not complied with, it shall be lawful for the registrar to enter up judgment summarily for the plaintiff in manner prescribed by the rules.

"(2) The rules may provide for different procedure and different conditions according to the amount of the claim or the nature thereof or the position or occupation of the defendant, for the exclusion of any actions from the procedure by default summons, and for the amend-

ments to be allowed in the case of a default summons, and the procedure consequent on any such amendment."

**9. Additional courts and power of registrar when judge not present.**—(1) A judge may, and, if so required by the Lord Chancellor, shall, appoint additional courts to be held, and, subject to county court rules, it shall be lawful for the registrar at any such additional court, notwithstanding that the judge is not present, to enter up any judgment and exercise any other jurisdiction which he is by the principal Act or this Act authorized to enter up or exercise, and to adjourn any such court.

(2) Any such additional court may be appointed to be held at any place within the district at which an office is kept open by the registrar.

**10. Power of judge where action commenced in the wrong court.**—(1) Where an action or matter is commenced in a county court, which ought to have been commenced in some other county court, the judge may, if he thinks fit, and upon such terms as to costs and otherwise as he thinks fit, instead of ordering it to be struck out in accordance with section one hundred and fourteen of the principal Act, either transfer the action or matter to the county court in which it ought to have been commenced or proceed to hear and determine the case in the court in which it was commenced, and in the latter case that court shall have jurisdiction in like manner as if it had been the court in which the action or matter ought to have commenced.

(2) Where an action or matter is transferred from one county court to another under this section, the provisions of section eighty-five of the principal Act relating to procedure on transfer and to the trial or hearing of a transferred action or matter shall apply in like manner as if the action or matter had been transferred under that section.

**11. Costs of actions commenced in High Court which could have been commenced in county court.**—The following section shall be substituted for section one hundred and sixteen of the principal Act:—

"(1) Where an action is brought in the High Court which could have been commenced in a county court, then, if the plaintiff recovers a sum less, in the case of an action founded on a contract, than forty pounds, or in the case of an action founded on tort than ten pounds, he shall not be entitled to any costs of the action, and if he recovers, in the case of an action founded on contract a sum of forty pounds or upwards but less than one hundred pounds, or in the case of an action founded on tort a sum of ten pounds or upwards but less than fifty pounds, he shall not be entitled to any more costs of the action than those to which he would have been entitled if the action had been brought in a county court, and where a plaintiff is entitled to costs on a county court scale only the taxing master shall have the same power of directing on what county court scale and under what column in the scale costs are to be allowed and of allowing any items of costs as the judge would have had if the action had been brought in a county court:

"Provided that—

"(i) in any such action, whether founded on contract or tort, the court or a judge, or where the action is tried before a referee or officer of the Supreme Court, that referee or officer, if satisfied that there was sufficient reason for bringing the action in the High Court or that the defendant or one of the defendants objected to the transfer of the action to a county court, may make an order allowing the costs or any part of the costs thereof on the High Court scale or on such one of the county court scales and under such one of the columns in the scale as he may direct; and

"(ii) if in any action founded on contract the plaintiff within twenty-one days after the service of the writ, or within such further time as may be allowed by the court or a judge, obtains an order under Order XIV. of the rules of the Supreme Court that he shall be at liberty to sign judgment for a sum of twenty pounds or upwards either unconditionally or unless that sum is paid into court or to the plaintiff's solicitor, he shall, unless otherwise ordered by the court or a judge, be entitled to costs on the High Court scale.

"(2) This section applies only to the costs of the proceedings in the High Court."

**12. Costs in cases transferred from one court to another.**—Where an action, counterclaim or matter is transferred or removed from the High Court to a county court, or from a county court to the High Court, or from one county court to another county court, the costs of the whole proceedings, both before and after the transfer or removal, shall, subject to any order made by the court which ordered the transfer or removal, be in the discretion of the court to which the matter is transferred or removed, and that court shall have power to make orders with respect thereto and as to the scales or columns on or under which the costs of the several parts of the proceedings are to be taxed and the costs of the whole proceedings shall be taxed in that court:

Provided that, as regards so much of the proceedings in any action transferred from the High Court to a county court as take place in the High Court before the transfer, the costs thereof shall be subject to the provisions of the last foregoing section of this Act, and the powers of the court or a judge under that section to make an order allowing costs on the High Court scale or on or under any county court scale or



column shall, subject to any order of the court or judge by whom the transfer was ordered, be exercisable by the judge of the county court.

**13. Commencement of proceedings in Admiralty causes.**—Section twenty-one of the County Courts Admiralty Jurisdiction Act, 1906 (31 & 32 Vict. c. 71) (which prescribes the county courts in which Admiralty proceedings are to be commenced), shall cease to have effect, and provision may be made by county court rules as to the courts in which proceedings may be commenced in cases which by virtue of that Act, or any Act amending that Act, may be brought in a county court.

**14. Continuance of ex-judges in commission of the peace.**—Where, in pursuance of section seventeen of the principal Act, the judge for the time being of a county court is included in any commission of the peace, every person holding the office of judge of that court shall, on ceasing to hold the office, continue to be included in the commission as if he had been personally named therein.

**15. Power to registrars to act for more than one court, and place of residence of registrars.**—Notwithstanding anything in section twenty-five of the principal Act—

(a) the same person may, with the consent of the Lord Chancellor, and subject to such conditions (including conditions as to salary) as the Lord Chancellor may impose, be appointed registrar of more than one court; and

(b) the registrar of a court may, with the consent of the Lord Chancellor and subject to such conditions as the Lord Chancellor may impose, reside outside the district of which he is the registrar.

**16. Deputy high bailiffs.**—So much of section thirty-one of the principal Act as relates to the appointment of deputy registrars shall apply to the appointment of deputy high bailiffs, with the substitution of the words "high bailiff" for the word "registrar."

**17. Examination of witnesses abroad.**—The High Court shall, on application made in manner prescribed by rules of the Supreme Court, have the same power to issue a commission, request, or order, to examine witnesses abroad for the purposes of an action or matter in a county court as it has for the purposes of an action or matter in the High Court; but on an application being made for the issue of such a commission, request, or order, the High Court may, if it thinks fit, make an order for the transfer of the action or matter to the High Court.

**18. Payment of judgment debts.**—(1) Where a judgment or order has been obtained in a county court for a sum of money and no order is made as to payment by instalments, the money shall, if the court so directs, be paid by one party to the other party or his solicitor, subject to the lien, if any, of that solicitor, instead of being paid into court as required by section one hundred and five of the principal Act.

(2) Where money is directed to be so paid under a judgment, the judgment shall not be registered pursuant to section one hundred and eighty-three of the principal Act, if, before the expiration of twenty-one clear days from the entry of the judgment, or such other time as may be prescribed, proof is given to the registrar in the prescribed form that the judgment has been satisfied.

**19. Set-off in cases of cross-judgments in county courts and High Court.**—The following section shall be substituted for section one hundred and fifty of the principal Act:—

"(1) Where one person has obtained a judgment or an order in a county court against another person, and that other person has obtained a judgment or order against the first-mentioned person in the same or in another county court or in the High Court, either such person may, in accordance with rules of court, give notice in writing to the court or the several courts, as the case may be, and may apply to the court or any of the said courts in accordance with rules of court for leave to set off any sums, including costs, payable under the several judgments or orders.

"(2) Upon any such application the set-off may be allowed in accordance with the practice for the time being in force in the High Court as to the allowance of set-off and in particular in relation to any solicitor's lien for costs.

"(3) Where the cross-judgments or orders have not been obtained in the same court, a copy of the order made on any such application shall be sent by the proper officer of the court to which the application is made to the proper officer of the other court."

**20. Extension of 51 & 52 Vict. c. 43, s. 151, to orders as well as judgments.**—Section one hundred and fifty-one of the principal Act (which relates to the removal of judgments for sums exceeding twenty pounds from the county court to the High Court) shall apply to orders obtained in a county court in the same manner as to judgments so obtained.

**21. Execution of warrants of possession.**—For the purpose of executing a warrant to give possession of any premises, it shall not be necessary to remove any goods or chattels from those premises.

**22. Juries.**—(1) The number of jurymen to be empanelled and sworn for the trial of any action in a county court shall be eight, and the amount to be paid to the registrar for payment of the jury shall be eight shillings.

(2) The amount which a jurymen may be ordered to forfeit in default of attendance shall not be more than five pounds.

(3) The list of persons qualified and liable to serve as jurors in a court shall not be delivered by the sheriff or high bailiff to the registrar of the court unless and until a demand is made by the registrar in that behalf.

(4) Sections one hundred and one and one hundred and two of the principal Act shall have effect subject to the provisions of this section.

**23. Power to judge to suspend execution or order discharge.**—The following provision shall be substituted for section one hundred and fifty-three of the principal Act, viz.:—

"If at any time it appears to the satisfaction of the judge that any party to an action or matter is unable from any cause to pay and discharge any debt, damages, costs, or other sum recovered against him, or any instalment thereof, it shall be lawful for the judge, in his discretion, to suspend or stay any judgment, order, or execution given, made, or issued in such action or matter, for such time and on such terms as the judge shall think fit, and so from time to time until it shall appear that the cause of inability has ceased, or to order, upon such terms (including liability to re-arrest if the terms are not complied with) as the judge may think fit, the discharge of any debtor arrested or confined in prison by order of the court who ought in the opinion of the judge to be discharged."

**24. County court rules.**—(1) The persons in whom the power of making rules under section one hundred and sixty-four of the principal Act (51 & 52 Vict. c. 43) is vested shall, in addition to the five judges appointed by the Lord Chancellor under that section, include three persons appointed by the Lord Chancellor, of whom one shall be a barrister, one a registrar of a county court, and one a solicitor.

(2) The power of making rules under section one hundred and sixty-four of the principal Act shall extend to making rules—

(a) for carrying this Act into effect;

(b) for requiring each party in any action where the debt, demand, or damage claimed or counterclaimed exceeds twenty pounds, or such greater amount as may be provided by the rules, to state the nature of his claim or defence in writing in sufficient time before the trial in the form of particulars or otherwise; and the provisions of the principal Act as to the procedure and practice in actions in the county court shall have effect subject to such modifications therein as may be made by any rules made in pursuance of the powers given by this section.

**25. Rules as to examination and discovery, &c., in workmen's compensation cases.**—Rules under the Workmen's Compensation Act, 1906 (6 Edw. 7. c. 58), may provide for conferring on the judge or registrar of a county court the like powers of—

(a) making orders for the examination of witnesses and persons, and for discovery, interrogatories, and inspection of documents and for further particulars; and

(b) of granting a new trial in proceedings under that Act as are exercisable as respects actions in county courts.

**26. Distribution of compensation on the death of a dependant.**—In the event of the death of any person entitled as a dependant to money paid into a county court under the Workmen's Compensation Act, 1906, then, if no direction has been given as to the disposition thereof for the benefit of other dependants in the event of the death of the person entitled thereto, the court may, without probate or letters of administration, distribute the sum amongst such persons as appear to the court, upon such evidence as the court may deem satisfactory, to be entitled by law to receive the same, or if the dependant so dying is illegitimate and dies intestate, amongst the persons who in the opinion of the court would have been entitled thereto if the dependant had been legitimate; and, if there are no such persons, the court shall deal with the sum as the Treasury may direct.

Provided that, where the principal value of the estate of the dependant so dying exceeds one hundred pounds, any sum paid under this section without probate or letters of administration shall be liable to estate duty as part of the amount on which that duty is charged, and the county court shall, before making any such payment, require a statutory declaration by the claimant, or by one of the claimants, that the principal value of the estate, including the sum in question, does not, after deduction of debts and funeral expenses, exceed the value of one hundred pounds, or the production of a letter or certificate from the Commissioners of Inland Revenue stating either that all duties payable in respect of the sum in question have been paid, or that no duty thereon is payable.

**27. Short title, commencement, and repeal.**—(1) This Act may be cited as the County Courts Act, 1919, and this Act, except so far as it amends the Workmen's Compensation Act, 1906, shall be construed as one with the principal Act; and the principal Act and the County Courts Act, 1903, and this Act may be cited together as the County Courts Acts, 1888 to 1919.

(2) This Act shall come into operation on the first day of April nineteen hundred and twenty.

(3) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent and subject as specified in the third column of that schedule.

**SCHEDULE.**  
**ENACTMENTS REPEALED.**  
**Section 27.**

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. 67.	The Summary Procedure on Bills of Exchange Act, 1855.	The whole Act so far as applies to county courts, as from the date on which rules made under this Act and dealing with the subject matter of the said enactment come into operation.
31 & 32 Vict. c. 71.	The County Courts (Admiralty Jurisdiction) Act, 1868.	Section twenty-one, as from the date on which rules made under this Act and dealing with the subject matter of the said enactment come into operation.
51 & 52 Vict. c. 43.	The County Courts Act, 1888.	Sections sixty-five and sixty-six. Section eighty-six, as from the date on which rules made under this Act and dealing with the subject matter of the said enactment come into operation. Section ninety from "but the judgment" to the end of the section. In section ninety-two the words from "Subject to rules and orders" to "two pounds." Sections ninety-eight and ninety-nine. Section one hundred and sixteen. Section one hundred and fifty. Section one hundred and fifty-three.
3 Ed. 7, c. 42	The County Courts Act, 1903.	Section four.

**CHAPTER 74.****ISLE OF MAN (CUSTOMS) ACT, 1919.**

An Act to amend the Law with respect to Customs in the Isle of Man.  
[23rd December, 1919.]

**CHAPTER 75.****FERRIES (ACQUISITION BY LOCAL AUTHORITIES) ACT, 1919.**

An Act to enable Local Authorities to acquire existing Ferries by Agreement.  
[23rd December, 1919.]

Be it enacted, &c.:-

1. *Power of local authority to acquire, &c., existing ferries.*—(1) A local authority may, with the consent of the Minister of Transport, purchase or accept the transfer of, and the owner of any existing ferry may sell or transfer to a local authority, upon such terms as may be agreed on between the owner and the local authority, any existing ferry which is within the area of that local authority or which serves the inhabitants of that area.

(2) Subject to the provisions of any Act of Parliament under which the ferry was established, and to the rights of any other persons, the local authority may work, maintain and improve the ferry and charge such tolls as were legally chargeable in respect of the ferry before the sale or transfer thereof to the local authority or such other tolls as the local authority, with the approval of the Minister of Transport, may determine, or, with the approval of the Minister of Transport, the local authority may, if they think fit, free the ferry from tolls, and shall have the rights and powers which the owner of the ferry possessed and shall be subject to the obligations and liabilities to which he was subject.

(3) A local authority may join with any other local authority for the purchase or acceptance, working, maintenance or improvement of a ferry under this Act, or may contribute towards the expenses of the purchase or acceptance, working, maintenance or improvement of a ferry by another local authority, and any difference which may arise between any local authorities who are acting jointly or jointly bearing any expenses under this sub-section shall be determined by the Minister of Transport, or by an arbitrator appointed by him, and such determination shall be final and binding.

(4) In this Act the expression "existing ferry" means any ferry legally established by Act of Parliament or otherwise at the date of the purchase or transfer, and includes all boats and other vessels, landing stages, approaches, apparatus, plant and other property used in connection with the ferry.

(5) The Minister of Transport shall have the like powers with respect to the holding of local inquiries for the purposes of this Act as are conferred by section eighty-seven of the Local Government Act, 1888 [51 & 52 Vict. c. 41], upon the Minister of Health for the purposes of that Act.

(6) In this Act the expression "local authority" means and includes a county council, the mayor, aldermen and burgesses of a county or other borough, and the council of any urban or rural district.

(7) Any expenses incurred by a local authority under this Act may be defrayed, in the case of a county council out of the county fund, and in the case of the council of a borough or urban or rural district as part of the general expenses incurred in the execution of the Public Health Acts, 1875 to 1908.

(8) A local authority, if a county council, may borrow for the purposes of this Act under section sixty-nine of the Local Government Act, 1888, as if those purposes were mentioned in that section, and, if a council of a county or other borough, or a district council, shall have the same power of borrowing for the purposes of this Act as they have under the Public Health Acts, 1875 to 1908, for the purpose of defraying any expenses incurred by them in the execution of those Acts.

2. *Protection of general public.*—In the case of every ferry acquired under this Act, regulations with regard to the working shall be made by the local authority for the protection from injury of passengers and the general public: Provided that no such regulation shall have any force or validity until the same have been confirmed by the Minister of Transport with or without amendment. Offenders against such regulations shall be liable on summary conviction to such penalties, not exceeding forty shillings, as may be thereby prescribed.

3. *Crown rights.*—Nothing in this Act affects prejudicially any estate, right, power, privilege, or exemption of the Crown and in particular nothing herein contained authorizes any local authority to take, use, or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay, or estuary or any land, hereditaments, subjects, or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade, as the case may be, on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorized to give).

4. *Exemption from tolls in case of persons in service of Crown, &c.*—Without prejudice to any existing right of His Majesty, and save as provided by the Army Act, nothing in this Act shall extend to authorize any tolls to be demanded or received from any person when on duty in the service of the Crown, or for any animal, vehicle, or goods the property of, or when being used in the service of, the Crown, or returning after being so used, or from any police officer acting in the execution of his duty, or for any mail bag as defined by the Post Office Act, 1903 [9 Ed. 7, c. 43]. If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto, he shall for every such offence be liable, on summary conviction, to a fine not exceeding ten pounds.

5. *Application to Ireland.*—This Act in its application to Ireland shall be subject to the following modifications (that is to say):—

(1) The reference to the Minister of Health shall be construed as a reference to the Local Government Board for Ireland:

(2) The expenses incurred by a county council shall be raised as a county at large charge:

(3) The reference to section sixty-nine of the Local Government Act, 1888, shall be construed as a reference to article twenty-two of the schedule to the Local Government (Application of Enactments) Order, 1896, and the reference to section eighty-seven of the said Act shall be construed as a reference to article thirty-two of the said schedule, and any other references to the said Act shall be construed as a reference to the Local Government (Ireland) Act, 1898 [61 & 62 Vict. c. 37].

(4) The reference to the Public Health Acts, 1875 to 1908, shall be construed as a reference to the Public Health (Ireland) Acts, 1873 to 1918.

6. *Extent and short title.*—(1) This Act shall not extend to Scotland.  
(2) This Act may be cited as the Ferries (Acquisition by Local Authorities) Act, 1919.

**CHAPTER 76.****CHURCH OF ENGLAND ASSEMBLY (POWERS) ACT, 1919.**

An Act to confer powers on the National Assembly of the Church of England constituted in accordance with the constitution attached as an Appendix to the Addresses presented to His Majesty by the Convocations of Canterbury and York on the tenth day of May, nineteen hundred and nineteen, and for other purposes connected therewith.  
[23rd December, 1919.]

Whereas the Convocations of Canterbury and York have recommended in Addresses presented to His Majesty on the tenth day of May, nineteen hundred and nineteen, that, subject to the control and authority of His Majesty and of the two Houses of Parliament, powers in regard to legislation touching matters concerning the Church of England shall be conferred on the National Assembly of the Church of England



constituted in the manner set forth in identical terms in the Appendix attached to their several Addresses:

And whereas it is expedient, subject to such control and authority as aforesaid, that such powers should be conferred on the Church Assembly so constituted:

Be it therefore enacted, &c.:—

**1. Definitions.**—In this Act—

(1) "The National Assembly of the Church of England" (hereinafter called "the Church Assembly") means the Assembly constituted in accordance with the constitution set forth in the Appendix to the Addresses presented to His Majesty by the Convocations of Canterbury and York on the tenth day of May, nineteen hundred and nineteen, and laid before both Houses of Parliament;

(2) "The Constitution" means the Constitution of the Church Assembly set forth in the Appendix to the Addresses presented by the Convocations of Canterbury and York to His Majesty as aforesaid;

(3) "The Legislative Committee" means the Legislative Committee of the Church Assembly appointed in accordance with the provisions of the Constitution;

(4) "The Ecclesiastical Committee" means the Committee established as provided in section two of this Act;

(5) "Measure" means a legislative measure intended to receive the Royal Assent and to have effect as an Act of Parliament in accordance with the provisions of this Act.

**2. Establishment of an Ecclesiastical Committee of the Privy Council.**—(1) There shall be a Committee of members of both Houses of Parliament styled "The Ecclesiastical Committee."

(2) The Ecclesiastical Committee shall consist of fifteen members of the House of Lords, nominated by the Lord Chancellor, and fifteen members of the House of Commons nominated by the Speaker of the House of Commons, to be appointed on the passing of this Act to serve for the duration of the present Parliament and thereafter to be appointed at the commencement of each Parliament to serve for the duration of that Parliament.

Any casual vacancy occurring by the reason of the death, resignation or incapacity of a member of the Ecclesiastical Committee shall be filled by the nomination of a member by the Lord Chancellor or the Speaker of the House of Commons, as the case may be.

(3) The powers and duties of the Ecclesiastical Committee may be exercised and discharged by any twelve members thereof, and the Committee shall be entitled to sit and to transact business whether Parliament be sitting or not, and notwithstanding a vacancy in the membership of the Committee. Subject to the provisions of this Act, the Ecclesiastical Committee may regulate its own procedure.

**3. Measures passed by Church Assembly to be submitted to Ecclesiastical Committee.**—(1) Every measure passed by the Church Assembly shall be submitted by the Legislative Committee to the Ecclesiastical Committee, together with such comments and explanations as the Legislative Committee may deem it expedient or be directed by the Church Assembly to add.

(2) The Ecclesiastical Committee shall thereupon consider the measure so submitted to it, and may, at any time during such consideration, either of its own motion or at the request of the Legislative Committee, invite the Legislative Committee to a conference to discuss the provisions thereof, and thereupon a conference of the two committees shall be held accordingly.

(3) After considering the measure, the Ecclesiastical Committee shall draft a report thereon to Parliament stating the nature and legal effect of the measure and its views as to the expediency thereof, especially with relation to the constitutional rights of all His Majesty's subjects.

(4) The Ecclesiastical Committee shall communicate its report in draft to the Legislative Committee, but shall not present it to Parliament until the Legislative Committee signify its desire that it should be so presented.

(5) At any time before the presentation of the report to Parliament the Legislative Committee may, either on its own motion or by direction of the Church Assembly, withdraw a measure from further consideration by the Ecclesiastical Committee; but the Legislative Committee shall have no power to vary a measure of the Church Assembly either before or after conference with the Ecclesiastical Committee.

(6) A measure may relate to any matter concerning the Church of England, and may extend to the amendment or repeal in whole or in part of any Act of Parliament, including this Act:

Provided that a measure shall not make any alteration in the composition or powers or duties of the Ecclesiastical Committee, or in the procedure in Parliament prescribed by section four of this Act.

(7) No proceedings of the Church Assembly in relation to a measure shall be invalidated by any vacancy in the membership of the Church Assembly or by any defect in the qualification or election of any member thereof.

**4. Procedure on measures reported on by the Ecclesiastical Committee.**—When the Ecclesiastical Committee shall have reported to Parliament on any measure submitted by the Legislative Committee, the report, together with the text of such measure, shall be laid before both Houses of Parliament forthwith, if Parliament be then sitting, or, if not, then immediately after the next meeting of Parliament, and thereupon, on a resolution being passed by each House of Parliament directing that such measure in the form laid before Parliament should be presented to His Majesty, such measure shall be presented to His

Majesty, and shall have the force and effect of an Act of Parliament on the Royal Assent being signified thereto in the same manner as to Acts of Parliament:

Provided that, if upon a measure being laid before Parliament the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons acting in consultation, shall be of opinion that the measure deals with two or more different subjects which might be more properly divided, they may, by joint agreement, divide the measure into two or more separate measures accordingly, and thereupon this section shall have effect as if each of the measures resulting from such division had been laid before Parliament as a separate measure.

**5. Short title.**—This Act may be cited as the Church of England Assembly (Powers) Act, 1919.

**CHAPTER 77.**

**NATIONAL INSURANCE (UNEMPLOYMENT) ACT, 1919.**

An Act to increase the rate of unemployment benefit payable under the National Insurance (Unemployment) Acts, 1911 to 1918, and to make certain consequential amendments in those Acts.

[23rd December 1919.]

Be it enacted, &c.:—

**1. Increase of rate of unemployment benefit.**—(1) The first paragraph of the Seventh Schedule to the National Insurance Act, 1911 [1 & 2 Geo. 5, c. 8] (which makes provision with respect to the weekly rate of unemployment benefit), shall have effect as though "eleven shillings" were therein substituted for "seven shillings."

(2) The last paragraph of the Seventh Schedule to the National Insurance Act, 1911 (which limits the power to prescribe rates and periods of unemployment benefit), shall have effect as though "twelve shillings" were therein substituted for "eight shillings" and "ten shillings" were therein substituted for "six shillings."

**2. Amendment of section 13 of 4 & 5 Geo. 5, c. 57.**—Notwithstanding the increase in the rate of unemployment benefit effected by this Act, the expression "which is at least one-third greater than the provision represented by unemployment benefit under the principal Act" in sub-section (1) of section thirteen of the National Insurance (Part II. Unemployment) Act, 1914 (which limits the power to make or continue arrangements with associations under section one hundred and five of the National Insurance Act, 1911), shall, during the period ending on the thirty-first day of December, nineteen hundred and twenty, be construed as meaning which exceeds the provision represented by unemployment benefit at the rate payable after the commencement of this Act by an amount which is not less than one-third of the provision represented by unemployment benefit at the rate payable before the commencement of this Act.

**3. Amendment of section 14 of 4 & 5 Geo. 5, c. 57.**—For the purpose of adapting the provisions of paragraphs (b) and (c) of sub-section (1) of section fourteen of the National Insurance (Part II. Amendment) Act, 1914, to the increase in the rate of unemployment benefit effected by this Act the Minister of Labour may, with the consent of the Treasury, make regulations varying the provisions of those paragraphs in such manner as he thinks just.

**4. Short title and commencement.**—(1) This Act may be cited as the National Insurance (Unemployment) Act, 1919, and the National Insurance (Unemployment) Acts, 1911 to 1918, and this Act may be cited together as the National Insurance (Unemployment) Acts, 1911 to 1919.

(2) This Act shall come into operation on the Thursday next after the day on which it is passed.

**CHAPTER 78.**

**IRISH RAILWAYS (CONFIRMATION OF AGREEMENT)**

ACT, 1919.

An Act to confirm certain terms in an Agreement between His Majesty's Government and the Irish Railway Companies.

[25rd December 1919.]

**CHAPTER 79.**

**TRADE MARKS ACT, 1919.**

An Act to amend the Trade Marks Act, 1905. [23rd December, 1919.]

Be it enacted, &c.:—

**PART I.**

**REGISTRATION OF CERTAIN TRADE MARKS NOT REGISTRABLE UNDER PRINCIPAL ACT.**

**1. Division of register of trade marks into two parts.**—(1) The register of trade marks (including the Manchester Register) kept under the Trade Marks Act, 1905 [5 Edw. 7, c. 15] (hereinafter referred to as the principal Act), shall be divided into two parts, to be called respectively Part A. and Part B.

(2) Part A. of the register shall comprise all trade marks entered in the register of trade marks at the commencement of this Act and all trade marks which after the commencement of this Act may be registered under the provisions of the principal Act.

(3) Part B. shall comprise all trade marks registered under this Part

of this Act, and all trade marks entered on or removed thereto under this Act.

**2. Registration of trade marks in Part B.]—**(1) Where any mark has for not less than two years been bona fide used in the United Kingdom upon or in connection with any goods (whether for sale in the United Kingdom or exportation abroad), for the purpose of indicating that they are the goods of the proprietor of the mark by virtue of manufacture, selection, certification, dealing with or offering for sale, the person claiming to be the proprietor of the mark may apply in writing to the registrar in the prescribed manner to have the mark entered as his registered trade mark in Part B. of the register in respect of such goods.

(2) The registrar shall consider every such application for registration of a trade mark in Part B. of the register, and if it appears to him, after such search, if any, as he may deem necessary, that the application is inconsistent with the provisions of section eleven or section nineteen of the principal Act, or if he is not satisfied that the mark has been so used as aforesaid, or that it is capable of distinguishing the goods of the applicant, he may refuse the application, or may accept it subject to conditions, amendments or modifications as to the goods or classes of goods in respect of which the mark is to be registered, or to such limitations, if any, as to mode or place of user or otherwise as he may think right to impose, and in any other case he shall accept the application.

(3) Every such application shall be accompanied by a statutory declaration verifying the user, including the date of first user, and such date shall be entered on the register.

(4) Any such refusal or conditional acceptance shall be subject to appeal to the court, and, if the ground for refusal is insufficiency of evidence as to user, such refusal shall be without prejudice to any application for registration of the trade mark under the provisions of the principal Act.

(5) Every such application shall, if accepted, be advertised in accordance with the provisions of the principal Act.

(6) A mark may be registered in Part B. notwithstanding any registration in Part A. by the same proprietor of the same mark or any part or parts thereof.

**3. Application of certain provisions of principal Act to Part B. trade marks.]—**The provisions of the principal Act, as amended by this Act, with the exception of those set out in the First Schedule to this Act, shall, subject to the provisions of this Part of this Act, apply in respect of trade marks to which this Part of this Act applies as if they were herein re-enacted and in terms made applicable to this Part of this Act.

**4. Effect of registration in Part B.]—**The registration of a person as the proprietor of a trade mark in Part B. of the register shall be *prima facie* evidence that that person has the exclusive right to the use of that trade mark, but, in any action for infringement of a trade mark entered in Part B. of the register, no injunction, interdict or other relief shall be granted to the owner of the trade mark in respect of such registration, if the defendant establishes to the satisfaction of the court that the user of which the plaintiff complains is not calculated to deceive or to lead to the belief that the goods the subject of such user were goods manufactured, selected, certified, dealt with or offered for sale by the proprietor of the trade mark.

**5. Power to treat applications for registration in Part A. as applications for registration in Part B.]—**If any person applies for the registration of a trade mark under the principal Act in Part A. of the register, the registrar may, if the applicant is willing, instead of refusing the application, treat it as an application for registration in Part B. of the register under this Part of this Act and deal with the application accordingly.

## PART II.

### PROVISIONS FOR THE PREVENTION OF ABUSES OF TRADE MARKS.

**6. Removal from register of word trade marks used as names of articles.]—**(1) Where in the case of an article or substance manufactured under any patent in force at or granted after the passing of this Act a word trade mark registered under the principal Act or Part I. of this Act is the name or only practicable name of the article or substance so manufactured, all rights to the exclusive use of such trade mark, whether under the common law or by registration (and notwithstanding the provisions of section forty-one of the principal Act), shall cease upon the expiration or determination of the patent, and thereafter such word shall not be deemed a distinctive mark, and may be removed by the court from the register on the application of any person aggrieved.

(2) No word which is the only practicable name or description of any single chemical element or single chemical compound, as distinguished from a mixture, shall be registered as a trade mark, and any such word now or hereafter on the register may, notwithstanding section forty-one of the principal Act, be removed by the court from the register on the application of any person aggrieved:

Provided that—

(a) the provisions of this sub-section shall not apply where the mark is used to denote only the proprietor's brand or make of such substance, as distinguished from the substance as made by

others, and in association with a suitable and practicable name open to the public use; and

(b) in the case of marks registered before the passing of this Act, no application under this section for the removal of the mark from the register shall be entertained until after the expiration of four years from the passing of this Act.

(3) The power to remove a trade mark from the register conferred by this section shall be in addition to and not in derogation of any other powers of the court in respect of the removal of trade marks from the register.

(4) The provisions contained in Part III. of this Act authorizing applications for the rectification of the register to be made in the first instance to the registrar instead of to the court shall apply to applications under this section.

## PART III.

### GENERAL AMENDMENTS OF PRINCIPAL ACT.

**7. Amendment of the law as to registrable trade marks.]—**In paragraph (5) of section nine of the principal Act (which defines the particulars which registrable trade marks must contain or consist of) for the words "except by order of the Board of Trade or the court be deemed a distinctive mark," there shall be substituted the words "be registrable under the provisions of this paragraph, except upon evidence of its distinctiveness."

**8. Appeals.]—**(1) All appeals from the decisions of the registrar under section fourteen of the principal Act shall be made to the court, and an appeal shall not lie from any such decision to the Board of Trade, and accordingly that section shall have effect, subject to the modifications set forth in the Second Schedule to this Act:

Provided that nothing in this sub-section shall affect any appeal which may be pending at the commencement of this Act.

(2) In any appeal from the decision of the registrar to the court under the principal Act or this Act the court shall have and exercise the same discretionary powers as under the principal Act or this Act are conferred upon the registrar.

**9. Rectification of register.]—**(1) Any application for the rectification of the register or the removal of any trade mark from the register in respect of any goods which, under section thirty-five or section thirty-seven of the principal Act or under Part II. of this Act, is to be made to the court, may, at the option of the applicant, be made in the first instance to the registrar:

Provided that no such application shall be made otherwise than to the court where an action concerning the trade mark in question is pending.

(2) The registrar may, at any stage of the proceedings, refer any such application to the court or he may, after hearing the parties, determine the question between them, subject to appeal to the court.

(3) In any proceedings for the rectification of the register under this Act or under section thirty-five of the principal Act as amended by this section the court or the registrar shall, in addition to the powers conferred by that section as so amended, have power to direct a trade mark entered in Part A. of the register to be removed to Part B. of the register.

**10. Costs.]—**In all proceedings before the registrar under the principal Act or this Act the registrar shall have power to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may be made a rule of court.

**11. Registration of assignments.]—**For section thirty-three of the principal Act, the following section shall be substituted:—

"33.—(1) Where a person becomes entitled by assignment, transmission, or other operation of law to a registered trade mark, he shall make application to the registrar to register his title, and the registrar shall, on receipt of such application and on proof of title to his satisfaction, register him as the proprietor of the trade mark, and shall cause an entry to be made in the prescribed manner in the register of the assignment, transmission, or other instrument affecting the title. Any decision of the registrar under this section shall be subject to appeal to the court.

"(2) Except in cases of appeals under this section and applications made under section thirty-five of this Act, a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of sub-section (1) aforesaid shall not be admitted in evidence in any court in proof of the title to a trade mark unless the court otherwise directs."

**12. Minor amendments of principal Act.]—**The amendments specified in the second column of the Second Schedule to this Act, which relate to minor details, shall be made in the provisions of the principal Act specified in the first column of that schedule.

**13. Short title, construction and commencement.]—**(1) This Act may be cited as the Trade Marks Act, 1919, and the Trade Marks Acts, 1905 and 1914, and so much of the Patents and Designs Acts, 1907 to 1919, as relates to trade marks, and this Act may be cited together as the Trade Marks Acts, 1905 to 1919.

(2) This Act shall be construed as one with the principal Act and shall come into operation on the first day of April nineteen hundred and twenty.



FIRST SCHEDULE.

[Section 3.]

PROVISIONS OF PRINCIPAL ACT NOT APPLIED.

No. of Section.	Subject-matter.
1	Short title.
2	Commencement of Act.
6	Incorporation of existing register.
9	Registrable trade marks.
12	Application for registration.
14 (9)	Modification of trade mark on appeals.
15	Disclaimers.
24	Associated trade marks.
25	Combined trade marks.
27	Assignment and user of associated trade marks.
31	Status of unexpired trade marks.
36	Trade marks registered under previous Acts.
39 (except proviso)	Rights of proprietor of trade mark.
41 down to the words "against the provisions of section eleven of this Act."	Registration to be conclusive after seven years.
42	Unregistered trade mark.
62	Standardization, &c., trade marks.
73	Repeal and saving for rules, &c.

SECOND SCHEDULE.

[Sections 8 and 12.]

MINOR AMENDMENTS OF PRINCIPAL ACT.

Section Amended.	Nature of Amendment.
Section 12	At the end of sub-section (2) there shall be inserted the following words "or to such limitations, if any, as to mode or place of user or otherwise as he may think right to impose." In sub-section (4), after the words "modifications, if any," shall be inserted the words "or to what limitations, if any, as to mode or place of user or otherwise."
Section 13	After the word "conditions," in both places where it occurs, there shall be inserted the words "and limitations." At the end of the section there shall be inserted the words "Provided that an application under the provisions of sub-section (5) of section nine of this Act may be advertised by the Registrar on receipt of such application and before acceptance."
Section 14	In sub-section (4), after the word "conditions," there shall be inserted the following words "or what limitations as to mode or place of user or otherwise." In sub-section (5) the words "or with the consent of the parties to the Board of Trade" shall be repealed. In sub-section (6) the words "the Board of Trade or" and "as the case may be" shall be repealed; and after the words "conditions, if any," there shall be inserted the words "or what limitations, if any, as to mode or place of user or otherwise." Sub-section (10) shall be repealed.
Section 16	After the words "the registrar shall" there shall be inserted the words "unless the mark has been accepted in error or."
Section 21	After the word "court" there shall be inserted the words "or registrar" in each case. Delete the words "as it may think it right to impose," and insert "as the court or the registrar, as the case may be, may think it right to impose."
Section 22	At the end of the section there shall be added the following words "and the assignment of such right to use the same shall constitute the assignee a proprietor of a separate trade mark for the purpose of section twenty-one of this Act, subject to such conditions and limitations as may be imposed under that section."
Section 23	After the words "modifications, if any," there shall be inserted the words "and to such limitations, if any, as to mode or place of user."

Section Amended.	Nature of Amendment.
Section 24	After the words "registration of a trade mark" there shall be inserted the words "identical with or."
Section 34	After the word "terms" there shall be inserted the words "and subject to such limitations as to mode or place of user."
Section 41	In the proviso, after the words "anterior to the user" there shall be inserted the words "or registration, whichever is the earlier."
Section 43	For section forty-three the following section shall be substituted: "In any action or proceeding relating to a trade mark or trade name the tribunal shall admit evidence of the usages of the trade concerned and of any relevant trade mark or trade name or get up legitimately used by other persons."
Section 62	For the words "Where any association or person undertakes the examination of any goods in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic, and certifies the result of such examination by mark used upon or in connection with such goods, the Board of Trade may, if they shall judge it to be to the public advantage, permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader, or possessed of a goodwill in connection with such examination and certifying," there shall be substituted the words "Where any association or person undertakes to certify the origin, material, mode of manufacture, quality, accuracy or other characteristic of any goods by mark used upon or in connection with such goods, the Board of Trade, if and so long as they are satisfied that such association or person is competent to certify as aforesaid, may, if they shall judge it to be to the public advantage, permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such certifying."
Section 64	Sub-section (10 (a)) shall be repealed. In sub-section (10 (c)) the word "word" shall be omitted.

CHAPTER 80.

PATENTS AND DESIGNS ACT, 1919.

An Act to amend the Patents and Designs Acts.

[23rd December 1919.]

Be it enacted, &c. :-

1. *Provisions for the prevention of abuse of monopoly rights.*—For section twenty-seven of the Patents and Designs Act, 1907 (7 Ed. 7, c. 29) (hereinafter referred to as the principal Act), the following section shall be substituted:—

"27.—(1) Any person interested may at any time apply to the comptroller alleging in the case of any patent that there has been an abuse of the monopoly rights thereunder and asking for relief under this section.

(2) The monopoly rights under a patent shall be deemed to have been abused in any of the following circumstances:—

(a) If at any time after the expiration of four years from the date of the patent, the patented invention (being one capable of being worked in the United Kingdom), is not being worked within the United Kingdom on a commercial scale, and no satisfactory reason can be given for such non-working:

Provided that, if an application is presented to the comptroller on this ground, and the comptroller is of opinion that the time which has elapsed since the date of the patent has by reason of the nature of the invention or for any other cause been insufficient to enable the invention to be worked within the United Kingdom on a commercial scale, the comptroller may adjourn the application for such period as will in his opinion be sufficient for that purpose:

(b) If the working of the invention within the United Kingdom on a commercial scale is being prevented or hindered by the importation from abroad of the patented article by the patentee or persons claiming under him, or by persons directly or indirectly

purchasing from him, or by other persons against whom the patentee is not taking or has not taken any proceedings for infringement:

(c) If the demand for the patented article in the United Kingdom is not being met to an adequate extent and on reasonable terms:

(d) If, by reason of the refusal of the patentee to grant a licence or licences upon reasonable terms, the trade or industry of the United Kingdom or the trade of any person or class of persons trading in the United Kingdom, or the establishment of any new trade or industry in the United Kingdom, is prejudiced, and it is in the public interest that a licence or licences should be granted:

(e) If any trade or industry in the United Kingdom, or any person or class of persons engaged therein, is unfairly prejudiced by the conditions attached by the patentee, whether before or after the passing of this Act, to the purchase, hire, licence, or use of the patented article, or to the using or working of the patented process:

Provided that, for the purpose of determining whether there has been any abuse of the monopoly rights under a patent, it shall be taken that patents for new inventions are granted not only to encourage invention but to secure that new inventions shall so far as possible be worked on a commercial scale in the United Kingdom without undue delay.

(3) On being satisfied that a case of abuse of the monopoly rights under a patent has been established, the comptroller may exercise any of the following powers as he may deem expedient in the circumstances:—

(a) He may order the patent to be indorsed with the words "licences of right" and thereupon the same rules shall apply as are provided in this Act in respect of patents so indorsed, and an exercise by the comptroller of this power shall entitle every existing licensee to apply to the comptroller for an order entitling him to surrender his licence in exchange for a licence to be settled by the comptroller in like manner as if the patent had been so indorsed at the request of the patentee, and the comptroller may make such order; and an order that a patent be so indorsed may be made notwithstanding that there may be an agreement subsisting which would have precluded the indorsement of the patent at the request of the patentee:

(b) He may order the grant to the applicant of a licence on such terms as the comptroller may think expedient, including a term precluding the licensee from importing into the United Kingdom any goods the importation of which, if made by persons other than the patentee or persons claiming under him, would be an infringement of the patent, and in such case the patentee and all licensees for the time being shall be deemed to have mutually covenanted against such importation. A licensee under this paragraph shall be entitled to call upon the patentee to take proceedings to prevent infringement of the patent, and if the patentee refuses, or neglects to do so within two months after being so called upon, the licensee may institute proceedings for infringement in his own name as though he were the patentee, making the patentee a defendant. A patentee so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings. Service on him may be effected by leaving the writ at his address for service given on the register:

In settling the terms of a licence under this paragraph the comptroller shall be guided as far as may be by the same considerations as are specified in section twenty-four of this Act for his guidance in settling licences under that section:

(c) If the comptroller is satisfied that the invention is not being worked on a commercial scale within the United Kingdom, and is such that it cannot be so worked without the expenditure of capital for the raising of which it will be necessary to rely on the patent monopoly, he may, unless the patentee or those claiming under him will undertake to find such capital, order the grant to the applicant, or any other person, or to the applicant and any other person or persons jointly, if able and willing to provide such capital, of an exclusive licence on such terms as the comptroller may think just, but subject as hereinafter provided:

(d) If the comptroller is satisfied that the objects of this section cannot be attained by the exercise of any of the foregoing powers, he may order the patent to be revoked, either forthwith or after such reasonable interval as may be specified in the order, unless in the meantime such conditions as may be prescribed in the order with a view to attaining the objects of this section are fulfilled, and the comptroller may, on reasonable cause shown in any case, by subsequent order extend the interval so specified.

Provided that the comptroller shall make no order for revocation which is at variance with any treaty, convention, arrangement, or engagement with any foreign country or British possession:

(e) If the comptroller is of opinion that the objects of this section will be best attained by making no order under the above provisions of this section, he may make an order refusing the application and dispose of any question as to costs thereon as he thinks just.

(4) In settling the terms of any such exclusive licence as is provided in paragraph (c) of the last preceding sub-section, due regard

shall be had to the risks undertaken by the licensee in providing the capital and working the invention, but, subject thereto, the licence shall be so framed as—

(a) to secure to the patentee the maximum royalty compatible with the licensee working the invention within the United Kingdom on a commercial scale and at a reasonable profit;

(b) to guarantee to the patentee a minimum yearly sum by way of royalty, if and so far as it is reasonable so to do, having regard to the capital requisite for the proper working of the invention and all the circumstances of the case;

and, in addition to any other powers expressed in the licence or order, the licence and the order granting the licence shall be made revocable at the discretion of the comptroller if the licensee fails to expend the amount specified in the licence as being the amount which he is able and willing to provide for the purpose of working the invention on a commercial scale within the United Kingdom, or if he fails so to work the invention within the time specified in the order.

(5) In deciding to whom such an exclusive licence is to be granted the comptroller shall, unless good reason is shown to the contrary, prefer an existing licensee to a person having no registered interest in the patent.

(6) The order granting an exclusive licence under this section shall operate to take away from the patentee any right which he may have as patentee to work or use the invention and to revoke all existing licences, unless otherwise provided in the order, but on granting an exclusive licence the comptroller may, if he thinks it fair and equitable, make it a condition that the licensee shall give proper compensation to be fixed by the comptroller for any money or labour expended by the patentee or any existing licensee in developing or exploiting the invention.

(7) Every application presented to the comptroller under this section must set out fully the nature of the applicant's interest and the facts upon which the applicant bases his case and the relief which he seeks. The application must be accompanied by statutory declarations verifying the applicant's interest and the facts set out in the application.

(8) The comptroller shall consider the matters alleged in the application and declarations, and, if satisfied that the applicant has a *bona fide* interest and that a *prima facie* case for relief has been made out, he shall direct the applicant to serve copies of the application and declarations upon the patentee and upon any other persons appearing from the register to be interested in the patent, and shall advertise the application in the Illustrated Official Journal (Patents).

(9) If the patentee or any person is desirous of opposing the granting of any relief under this section, he shall, within such time as may be prescribed or within such extended time as the comptroller may on application further allow, deliver to the comptroller a counter statement verified by a statutory declaration fully setting out the grounds on which the application is to be opposed.

(10) The comptroller shall consider the counter statement and declarations in support thereof and may thereupon dismiss the application if satisfied that the allegations in the application have been adequately answered, unless any of the parties demands a hearing or unless the comptroller himself appoints a hearing. In any case, the comptroller may require the attendance before him of any of the declarants to be cross-examined or further examined upon matters relevant to the issues raised in the application and counter statement, and he may, subject to due precautions against disclosure of information to rivals in trade, require the production before him of books and documents relating to the matter in issue.

(11) All orders of the comptroller under this section shall be subject to appeal to the Court, and on any such appeal the law officer or such other counsel as he may appoint shall be entitled to appear and be heard.

(12) In any case where the comptroller does not dismiss an application as hereinbefore provided, and

(a) if the parties interested consent, or

(b) if the proceedings require any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the comptroller conveniently be made before him;

the comptroller may at any time order the whole proceedings or any question or issue of fact arising thereunder to be referred to an arbitrator agreed on by the parties, or in default of agreement appointed by the comptroller, and, where the whole proceedings are so referred, the award of such arbitrator shall, if all the parties consent, be final, but otherwise shall be subject to the same appeal as the decision of the comptroller under this section, and, where a question or issue of fact is so referred, the arbitrator shall report his findings to the comptroller.

(13) For the purposes of this section, the expression "patented article" includes articles made by a "patented process."

2. *Provision as to patents indorsed "licences of right."*—For section twenty-four of the principal Act, the following section shall be substituted:—

"24.—(1) At any time after the sealing of a patent the comptroller shall, if the patentee so requests, cause the patent to be indorsed with the words 'licences of right,' and a corresponding entry to be made in the register, and thereupon—

(a) any person shall at any time thereafter be entitled as of right to a licence under the patent upon such terms as, in default of agreement, may be settled by the comptroller on the application of either the patentee or the applicant:



Provided that any licence the terms of which are settled by agreement shall be deemed, unless otherwise expressly provided, to include the terms and conditions specified in paragraphs (c) and (d) of this sub-section as if they had been imposed by the comptroller thereunder in like manner as if the terms had been settled by the comptroller:

(b) in settling the terms of any such licence the comptroller shall be guided by the following considerations—

(i) he shall, on the one hand, endeavour to secure the widest possible user of the invention in the United Kingdom consistent with the patentee deriving a reasonable advantage from his patent rights;

(ii) he shall, on the other hand, endeavour to secure to the patentee the maximum advantage consistent with the invention being worked by the licensee at a reasonable profit in the United Kingdom;

(iii) he shall also endeavour to secure equality of advantage among the several licensees, and for this purpose may, on due cause being shewn, reduce the royalties or other payments accruing to the patentee under any licence previously granted:

Provided that, in considering the question of equality of advantage, the comptroller shall take into account any work done or outlay incurred by any previous licensee with a view to testing the commercial value of the invention or to securing the working thereof on a commercial scale in the United Kingdom:

(c) any such licence the terms of which are settled by the comptroller may be so framed as to preclude the licensee from importing into the United Kingdom any goods the importation of which, if made by persons other than the patentee or those claiming under him, would be an infringement of the patent, and in such a case the patentee and all licensees under the patent shall be deemed to have mutually covenanted against such importation:

(d) every such licensee shall be entitled to call upon a patentee to take proceedings to prevent the infringement of the patent, and if the patentee refuses, or neglects to do so within two months after being so called upon, the licensee may institute proceedings for the infringement in his own name as though he were patentee, making the patentee a defendant. A patentee so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings. Service on him may be effected by leaving the writ at his address for service given on the register:

(e) if in any action for infringement of a patent so indorsed the infringing defendant is ready and willing to take a licence upon terms to be settled by the comptroller, no injunction against him shall be awarded, and the amount recoverable against him by way of damages (if any) shall not exceed double the amount which would have been recoverable against him as licensee if the licence had been dated prior to the earliest infringement:

Provided that this paragraph shall not apply where the infringement consists of the importation of infringing goods:

(f) the renewal fees payable by the patentee of a patent so indorsed shall, as from the date of the indorsement, be one moiety only of the fees which would otherwise have been payable.

(2) The comptroller shall, before acting on any request to indorse a patent made by the patentee under this section, advertise such request in the Illustrated Official Journal (Patents), and shall satisfy himself that the patentee is not precluded by contract from making such request, and for that purpose shall require from the patentee such evidence, by statutory declaration or otherwise, as he may deem necessary:

Provided that a patentee shall not be deemed to be so precluded by reason only of his having granted a licence under the patent where the licence does not limit his right to grant other licences.

(3) Any person, alleging that a request under this section has been made contrary to some contract in which he is interested, may apply to the comptroller within the prescribed time and in the prescribed manner, and the comptroller, if satisfied of the truth of such allegation, shall refuse to indorse the patent pursuant to the request or shall cause the indorsement, if already made, to be cancelled.

Any order under this sub-section shall be subject to appeal to the court.

(4) All indorsements of patents under this section shall be entered on the register of patents and shall be published in the Illustrated Official Journal (Patents), and in such other manner as to the comptroller may seem desirable for the purpose of bringing the invention to the notice of manufacturers.

(5) If at any time it appears that in the case of a patent so indorsed there is no existing licence the comptroller may, if he thinks fit, on the application of the patentee and on payment by him of the unpaid moiety of all renewal fees which have become due since the indorsement, after due notice cancel the indorsement, and in that case the patentee's rights and liabilities shall be the same as if no such indorsement had been made."

3. *Enforcement of order for grant of licence.*—After section twenty-seven of the principal Act, the following section shall be inserted:—

"27A. Any order for the grant of a licence under this Act shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence executed by the patentee and all other necessary parties."

4. *Amendment of s. 11 of principal Act as to opposition to grant of patent.*—For paragraph (b) of sub-section (1) of section eleven of the principal Act, which relates to the opposition to grants of patents, the following paragraphs shall be substituted:—

"(b) that the invention has been published in any complete specification, or in any provisional specification followed by a complete specification, deposited pursuant to any application made in the United Kingdom within fifty years next before the date of the application for the patent the grant of which is being opposed, or has been made available to the public by publication in any document (other than a British specification) published in the United Kingdom prior to the application; or

(bb) that the invention has been claimed in any complete specification for a British patent which though not published at the date of the application for a patent the grant of which is opposed was deposited pursuant to an application for a patent which is or will be of prior date to such patent; or"

and after paragraph (d) of the same sub-section the following paragraph shall be inserted:—

"or (c) that in the case of an application under section ninety-one of this Act the specification describes or claims an invention other than that for which protection has been applied for in a foreign State or British possession and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the application in the foreign State or British possession and the leaving of the application in the United Kingdom."

5. *Amendment of s. 12 of principal Act as to grant and sealing of patents.*—At the end of sub-section (1) of section twelve of the principal Act, which relates to the grant and sealing of patents, the following proviso shall be added:—

"Provided that where—

(a) an applicant has agreed in writing to assign a patent when granted to another party or a joint applicant and refuses to proceed with the application; or

(b) disputes arise between joint applicants as to proceeding with an application;

the comptroller on proof of such agreement to his satisfaction, or if satisfied that one or more of such joint applicants ought to be allowed to proceed alone, may allow such other party or joint applicant to proceed with the application, and may grant a patent to him, so however that all parties interested shall be entitled to be heard before the comptroller, and an appeal shall lie from the decision of the comptroller under this proviso to the law officer."

6. *Term of Patent.*—(1) The term limiting the duration of patents shall be increased from fourteen to sixteen years, and accordingly in sub-section (1) of section seventeen of the principal Act, for the word "fourteen" there shall be substituted the word "sixteen."

(2) Any patent the original term of which had not expired at the date of the commencement of this Act shall have effect as if the term mentioned therein was sixteen years instead of fourteen years, subject to the following conditions:—

(a) any licence existing at that date which has been granted for the term of the patent shall be treated as having been granted for the term as so extended if the licensee so desires:

(b) if the patent would, apart from this section, have expired on or before the first day of January, nineteen hundred and twenty, the patent shall, during the period of extension, be subject to all the provisions by this Act substituted for section twenty-four of the principal Act (except sub-section (5) thereof) as if the patent had been endorsed "licences of right."

(3) Where any party to a contract with the patentee or any other person, entered into before the nineteenth day of November nineteen hundred and seventeen, is subjected to loss or liability by reason of the extension of the term of any patent under the provisions of this section, the court shall have power to determine in what manner and by which parties such loss or liability shall be borne.

7. *Amendment of s. 18 of principal Act as to extension of term of patent.*—(1) At the end of sub-section (1) of section eighteen of the principal Act which relates to the extension of the term of a patent, the following proviso shall be inserted:—

"Provided that the court may in its discretion extend such period within which such a petition may be presented."

(2) In sub-section (5) of the same section, for the words "for a further term not exceeding seven years, or, in exceptional cases, fourteen years," there shall be substituted the words "for a further term not exceeding five years, or, in exceptional cases, ten years."

(3) At the end of the same section, the following sub-section shall be added:—

"(6) Where, by reason of hostilities between His Majesty and any foreign state, the patentee as such has suffered loss or damage (including loss of opportunity of dealing in or developing his invention owing to his having been engaged in work of national importance connected with such hostilities) an application under this section may be made by originating summons instead of by petition, and the court in considering its decision may have regard solely to the loss or damage so suffered by the patentee:

Provided that this sub-section shall not apply if the patentee is a subject of such foreign state as aforesaid, or is a company the business whereof is managed or controlled by such subjects or is

carried on wholly or mainly for the benefit or on behalf of such subjects, notwithstanding that the company may be registered within His Majesty's Dominions."

8. *Right of Crown to use patented inventions.*—For section twenty-nine of the principal Act, the following section shall be substituted:—

"29.—(1) A patent shall have to all intents the like effect as against His Majesty the King as it has against a subject:

"Provided that any Government department may, by themselves or by such of their agents, contractors, or others as may be authorised in writing by them at any time after the application, make, use or exercise the invention for the services of the Crown on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Treasury, between the department and the patentee, or, in default of agreement, as may be settled in the manner hereinafter provided. And the terms of any agreement or licence concluded between the inventor or patentee and any person other than a Government department, shall be inoperative so far as concerns the making, use or exercise of the invention for the service of the Crown:

"Provided further that, where an invention which is the subject of any patent has, before the date of the patent, been duly recorded in a document by, or tried by or on behalf of, any Government department (such invention not having been communicated directly or indirectly by the applicant for the patent or the patentee), any Government department, or such of their agents, contractors, or others, as may be authorised in writing by them, may make, use and exercise the invention so recorded or tried for the service of the Crown, free of any royalty or other payment to the patentee, notwithstanding the existence of the patent. If in the opinion of the department the disclosure to the applicant or the patentee, as the case may be, of the document recording the invention, or the evidence of the trial thereof, if required, would be detrimental to the public interest, it may be made confidentially to counsel on behalf of the applicant or patentee, or to any independent expert mutually agreed upon.

"(2) In case of any dispute as to the making, use or exercise of an invention under this section, or the terms thereof, or as to the existence or scope of any record or trial as aforesaid, the matter shall be referred to the court for decision, who shall have power to refer the whole matter or any question or issue of fact arising thereon to be tried before a special or official referee or an arbitrator upon such terms as it may direct. The court, referee, or arbitrator, as the case may be, may, with the consent of the parties, take into consideration the validity of the patent for the purposes only of the reference and for the determination of the issues between the applicant and such Government department. The court, referee, or arbitrator, further in settling the terms as aforesaid, shall be entitled to take into consideration any benefit or compensation which the patentee, or any other person interested in the patent, may have received directly or indirectly from the Crown or from any Government department in respect of such patent.

"(3) The right to use an invention for the services of the Crown under the provisions of this section or any provisions for which this section is substituted shall include, and shall be deemed always to have included, the power to sell any articles made in pursuance of such right which are no longer required for the services of the Crown.

"(4) Nothing in this section shall affect the right of the Crown or of any person deriving title directly or indirectly from the Crown to sell or use any articles forfeited under the laws relating to the customs or excise."

9. *Power of court to grant relief in respect of particular claims.*—After section thirty-two of the principal Act the following section shall be inserted:—

"32A. Notwithstanding anything to the contrary appearing in section twenty-three of this Act, if the court in any action for infringement of a patent finds that any one or more of the claims in the specification, in respect of which infringement is alleged, are valid, it shall, subject to its discretion as to costs and as to the date from which damages should be reckoned, and to such terms as to amendment as it may deem desirable, grant relief in respect of any of such claims which are infringed without regard to the invalidity of any other claim in the specification. In exercising such discretion, the court may take into consideration the conduct of the parties in inserting such invalid claims in the specification or permitting them to remain there."

10. *Amendment of s. 34 of principal Act as to actions for infringement.*—In section thirty-four of the principal Act, which relates to actions for infringement of a patent, after the words, "infringement of a patent" there shall be inserted the words "the plaintiff shall be entitled to relief by way of injunction and damages, but not to an account of profits, but subject as aforesaid."

11. *Chemical products and substances intended for food or medicine.*—(1) After section thirty-eight of the principal Act, the following section shall be inserted:—

"38A.—(1) In the case of inventions relating to substances prepared or produced by chemical processes or intended for food or medicine, the specification shall not include claims for the substance itself, except when prepared or produced by the special methods or processes of manufacture described and claimed or by their obvious chemical equivalents: Provided that, in an action for infringement of a patent where the invention relates to the production of a new substance, any substance of the same chemical

composition and constitution shall in the absence of proof to the contrary be deemed to have been produced by the patented process.

(2) In the case of any patent for an invention intended for or capable of being used for the preparation or production of food or medicine, the comptroller shall, unless he sees good reason to the contrary, grant to any person applying for the same, a licence limited to the use of the invention for the purposes of the preparation or production of food or medicine but not otherwise; and, in settling the terms of such licence and fixing the amount of royalty or other consideration payable, the comptroller shall have regard to the desirability of making the food or medicine available to the public at the lowest possible price consistent with giving to the inventor due reward for the research leading to the invention.

Any decision of the comptroller under this sub-section shall be subject to appeal to the court."

(2) This section shall apply only to patents applied for after the passing of this Act.

12. *Costs and security for costs.*—Section thirty-nine of the principal Act, which relates to costs and security for costs, shall be repealed, and in lieu thereof, the following section shall be inserted after section seventy-three:—

"73A.—(1) The comptroller shall, in any proceedings before him under this Act, have power by order to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may be made a rule of court.

(2) If any party giving notice of any opposition under this Act, or applying to the comptroller for the revocation of a patent, or giving notice of appeal from any decision of the comptroller under this Act, neither resides nor carries on business in the United Kingdom or the Isle of Man, the comptroller, or in case of appeal to the law officer or the court, the law officer or the court may require such party to give security for the cost of the proceedings or appeal, and in default of such security being given may proceed to treat the proceedings or appeal as abandoned."

13. *Amendment of s. 41 (2) of principal Act as to anticipation.*—(1) At the end of sub-section (2) of section forty-one of the principal Act, the following proviso shall be added:—

"Provided that the protection afforded by this sub-section shall not extend to a patentee who has commercially worked his invention in the United Kingdom otherwise than for the purpose of reasonable trial of the invention prior to the application for the patent."

(2) This section shall not apply in the case of patents granted before the passing of this Act.

14. *Cancellation of registration of designs.*—For section fifty-eight of the principal Act, which relates to the cancellation of the registration of designs, the following section shall be substituted:—

"58.—(1) At any time after the registration of a design any person interested may apply to the comptroller for the cancellation of the registration of the design, on either of the following grounds:—

(a) That the design has been published in the United Kingdom prior to the date of registration:

(b) That the design is applied by manufacture to any article in a foreign country, and is not so applied by manufacture in the United Kingdom to such an extent as is reasonable in the circumstances of the case:

Provided that, if the application be on the last-mentioned ground, and the comptroller is satisfied that the time which has elapsed from the date of registration has been insufficient for such application by manufacture in the United Kingdom, the comptroller may adjourn the application for such time as he may deem sufficient for that purpose; and that in lieu of cancellation the comptroller may order the grant of a compulsory licence on such terms as he may consider just.

(2) An appeal shall lie from any order of the comptroller under this section to the court, and the comptroller may at any time refer any such application to the court for trial."

15. *Registration of designs to bind the Crown.*—After section fifty-eight of the principal Act, the following section shall be inserted:—

"58A. The registration of a design shall have to all intents the like effect as against His Majesty the King as it has against a subject:

"Provided that the provisions of section twenty-nine of this Act shall apply to registered designs as though those provisions were herein re-enacted and in terms made applicable to registered designs."

16. *Registration of assignments, &c.*—For section seventy-one of the principal Act the following section shall be substituted:—

"71.—(1) Where a person becomes entitled by assignment, transmission, or other operation of law to a patent or to the copyright in a registered design, he shall make application to the comptroller to register his title, and the comptroller shall, on receipt of such application, and on proof of title to his satisfaction, register him as the proprietor of such patent or design and shall cause an entry to be made in the prescribed manner on the register of the assignment, transmission or other instrument affecting the title.

(2) Where any person becomes entitled as mortgagee, licensee, or otherwise to any interest in a patent or design, he shall make application to the comptroller to register his title, and the comptroller shall, on receipt of such application and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the



register of patents or designs, as the case may be, with particulars of the instrument, if any, creating such interest.

(3) The person registered as the proprietor of a patent or design shall, subject to the provisions of the Act and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licences as to or otherwise deal with the patent or design, and to give effectual receipts for any consideration for any such assignment, licence or dealing:

Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other personal property.

(4) Except in applications made under section seventy-two of this Act, a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of sub-sections (1) and (2) aforesaid, shall not be admitted in evidence in any court in proof of the title to a patent or copyright in a design or to any interest therein unless the court otherwise directs."

17. *Amendment of s. 75 of principal Act as to refusal to grant patents, &c.*—At the end of section seventy-five of the principal Act, which relates to the powers of the comptroller to refuse to grant patents and to register designs, there shall be inserted the following words: "an appeal shall lie from the decision of the comptroller under this section to the law officer."

18. *Registration of patent agents.*—For section eighty-four of the principal Act, which relates to the registration of patent agents, the following section shall be substituted:—

"84.—(1) No person shall practise, describe himself, or hold himself out, or permit himself to be described or held out, as a patent agent, unless—

(a) In the case of an individual, he is registered as a patent agent in the register of patent agents;

(b) in the case of a firm, every partner of the firm is so registered;

(c) in the case of a company which commenced to carry on business as a patent agent after the seventeenth day of November nineteen hundred and seventeen, every director and the manager (if any) of the company is so registered;

(d) in the case of a company which commenced to carry on business as a patent agent before that date, a manager or a director of the company is so registered:

Provided that in the last-mentioned case the name of such manager or director shall be mentioned as being a registered patent agent in all professional advertisements, circulars or letters in which the name of the company appears.

(e) Every individual not registered as a patent agent before the fifteenth day of July nineteen hundred and nineteen who proves to the satisfaction of the Board of Trade that prior to the first day of August nineteen hundred and seventeen he was *bona fide* practising as a patent agent, whether individually or as member of a firm, or as a manager or director of an incorporated company, shall be entitled to be registered as a patent agent if he makes an application for the purpose within such time as may be fixed by the Board of Trade, unless after giving an applicant an opportunity of being heard the Board of Trade are satisfied that he has whilst so practising been guilty of such misconduct as would have rendered him liable, if his name had been on the register of patent agents, to have his name erased therefrom.

(3) If any person contravenes the provisions of this section, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds, and in the case of a company every director, manager, secretary, or other officer of the company who is knowingly a party to the contravention shall be guilty of a like offence and liable to a like fine.

(4) For the purposes of this section, the expression "patent agent" means a person, firm, or company carrying on for gain in the United Kingdom the business of applying for or obtaining patents in the United Kingdom or elsewhere.

(5) Nothing in this section shall be taken to prohibit solicitors from taking such part as they have heretofore taken in any proceedings under this Act.

(6) No person not registered before the fifteenth day of July nineteen hundred and nineteen shall be registered as a patent agent unless he be a British subject."

19. *Definitions.*—In section ninety-three of the principal Act, for the definitions of "patentee" and "design" the following definitions shall respectively be substituted:—

"Patentee" means the person for the time being entered on the register as the grantee or proprietor of the patent;

"Design" means only the features of shape, configuration, pattern, or ornament applied to any article by any industrial process or means, whether manual, mechanical, or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction, or anything which is in substance a mere mechanical device."

In the same section the following definition shall be inserted:—

"Working on a commercial scale" means the manufacture of the article or the carrying on of the process described and claimed in a specification for a patent in or by means of a definite and substantial establishment or organisation, and on a scale which is adequate and reasonable under all the circumstances.

20. *Minor amendments of principal Act.*—The amendments specified in the second column of the Schedule to this Act, which relate to minor details, shall be made in the provisions of the principal Act specified in the first column of that schedule.

21. *Construction, printing, and repeal.*—(1) This Act shall, except where otherwise expressly provided, apply to patents granted and applications for and specifications relating to patents made and deposited, and designs registered, before as well as after the passing of this Act.

(2) Where by this Act any enactments or words are directed to be added to or omitted from the principal Act, or to be substituted for any other enactments or words in the principal Act, copies of the principal Act printed under the authority of His Majesty's Stationery Office after such direction takes effect may be printed with the enactments or words added or omitted, or substituted for other enactments or words as such direction requires, and with the sections, sub-sections, and paragraphs thereof numbered in accordance with such directions; and the principal Act shall be construed as if it had at the time at which such direction takes effect been made with such addition, omission, or substitution.

(3) A reference in any Act of Parliament or other instrument to the principal Act shall, unless the context otherwise requires, be construed to refer to the principal Act as amended by this Act.

(4) The Patents and Designs Act, 1908, is hereby repealed.

22. *Short title and commencement.*—(1) This Act may be cited as the Patents and Designs Act, 1919, and the principal Act and this Act may be cited together as the Patents and Designs Acts, 1907 and 1919.

(2) The provisions by sections one and two of this Act substituted for sections twenty-seven and twenty-four of the principal Act shall not come into operation until such time, not being later than one year after the passing of this Act, as may be fixed by order of the Board of Trade, except so far as the provisions so substituted for the said section twenty-four are by sub-section (2) of section six of this Act applied to the patents therein mentioned; and the provisions of this Act relating to the terms on which an invention or registered design can be made, used or exercised by or on behalf of a Government Department shall not come into operation until such time as may be fixed by order of the Board of Trade; save as aforesaid this Act shall come into operation on the passing thereof.

## SCHEDULE.

[Section 20.]

### MINOR AMENDMENTS OF PRINCIPAL ACT.

Section Amended.	Nature of Amendment.
Section 5 ...	In sub-section (1) for the word "six" there shall be substituted the word "nine."
Section 6 ...	In the proviso to sub-section (3) for the words "treat the claim" there shall be substituted the words "allow an application"; and after the words "included in the complete specification" there shall be inserted the words "to be made and treated." In sub-section (4) for the words "A refusal of the comptroller to accept a complete application shall be subject to appeal" there shall be substituted the words "An appeal shall lie from the decision of the comptroller under this section." In sub-section (5) for the word "twelve" there shall be substituted the word "fifteen."
Section 7 ...	In sub-section (4) the words "after hearing the applicant and" shall be omitted. Sub-section (6) shall be omitted.
Section 8 ...	For sub-section (1) the following sub-section shall be substituted:— "(1) In addition to the investigation under the last preceding section, the examiner shall make an investigation for the purpose of ascertaining whether the invention claimed has been wholly or in part claimed in any specification published on or after the date of the application and deposited pursuant to a prior application." For the words in sub-section (2) down to and including "deposited pursuant to a prior application" there shall be substituted the words "Where on such further investigation it appears that the invention claimed has been wholly or in part claimed in any such specification." Sub-section (4) shall be omitted and after sub-section (3) the following sub-sections shall be inserted:— "(4) An appeal shall lie from the decision of the comptroller under this section to the law officer."

Section Amended.	Nature of Amendment.	Section Amended.	Nature of Amendment.
Section 8	"(5) The investigations and reports required by this and the last preceding section shall not be held in any way to guarantee the validity of any patent and no liability shall be incurred by the Board of Trade or any officer thereof by reason of or in connection with any such investigation or report or any proceedings consequent thereon."	Section 34	For the words "inspection or account" there shall be substituted the words "or inspection."
Section 12	In sub-section (2) for the word "fifteen" in both places where it occurs there shall be substituted the word "eighteen." In paragraph (b) of the same sub-section, after the words "as the law officer" there shall be inserted the words "or the comptroller as the case may be." In paragraph (d) of the same sub-section for the words "in consequence of the neglect or failure of the applicant to pay any fee" there shall be substituted the words "for any reason."	Section 35	For the words "validity of the patent" there shall be substituted the words "validity of any claim in the specification of the patent." After the words "subsequent action for infringement" there shall be inserted the words "of such claim," and after the words "solicitor and client" there shall be inserted the words "so far as that claim is concerned."
Section 13	For the word "publication" there shall be substituted the word "acceptance."	Section 36	For the words "to be the patentee of an invention" there shall be substituted the words "to have an interest in a patent." For the words "any legal rights of the person making such threats" there shall be substituted the words "the patent." For the proviso there shall be substituted the following proviso:— "Provided that this section shall not apply if an action for infringement of the patent is commenced and prosecuted with due diligence."
Section 15	In sub-section (2) for the words "on the ground of fraud" there shall be substituted the words "by the court on the ground that it has been obtained in fraud of the true and first inventor or where the grant has been refused by the comptroller under the provisions of paragraph (a) of sub-section (1) of section eleven of this Act or revoked on the same ground under the provisions of section twenty-six of this Act." In the same sub-section after the words "grant to him a patent" there shall be inserted the words "for the whole or any part of the invention," and after the words "patent so revoked" there shall be inserted the words "or as would have been borne by the patent if the grant thereof had not been refused."	Section 38	After sub-section (1) there shall be inserted the following paragraph:— "In any action, application or proceedings under this Act no person shall be estopped from applying for or obtaining relief by reason of any admission made by him as to the reasonableness of the terms offered to him under sub-section (1) (i)."
Section 16	In sub-section (2) for the words "and for the purpose of the provisions of this Act with respect to oppositions to the grant of patents" there shall be substituted the words "and in determining other questions under this Act."	Section 45 (1)	After the word "inventor," where it first occurs, there shall be inserted the words "or the reading of a paper by an inventor before a learned society or the publication of the paper in the society's transactions." In proviso (a), after the word "invention," there shall be inserted the words "or the person reading such paper or permitting such publication." At the end of proviso (b) there shall be inserted the words "or the reading or publication of such paper."
Section 19	At the end of sub-section (3) the following proviso shall be inserted:— "Provided that, if the patent for the original invention is revoked, then the patent of addition shall, if the court or comptroller so orders, become an independent patent, and the fees payable, and the dates when they become payable shall be determined by its date, but its duration shall not exceed the unexpired term of the patent for the original invention."	Section 49 (3)	For the words "Board of Trade" and "Board" respectively there shall be substituted the word "Court," and after the words "any such refusal may" there shall be inserted the words "except where the refusal is given on a ground mentioned in section seventy-five of this Act."
Section 20	In sub-section (5) the words "subject to an appeal to the court" shall be omitted, and after that sub-section there shall be inserted the following sub-section:— "(6) An appeal shall lie from the decision of the comptroller under this section to the court."	Section 50	In paragraph (a) for the words "new and original" there shall be substituted the words "new or original," and at the end of the section there shall be inserted the following proviso:— "Provided that such subsequent registration shall not extend the period of copyright in the design beyond that arising from the previous registration."
Section 21	At the end of sub-section (7) the following proviso shall be inserted:— "Provided that the court shall be entitled in construing a specification as amended to refer to the specification as accepted and published."	Section 68	At the end of the section there shall be inserted the following proviso:— "Provided that, on application being made by any person in the prescribed form, the comptroller may disclose the result of a search made under section seven or eight of this Act on any particular application for the grant of a patent."
Section 22	After the words "by way of disclaimer" there shall be inserted the words "correction or explanation."	Section 77	In sub-section (2) after the words "on oath" there shall be inserted the words "and discovery and production of documents."
Section 23	For the words "before the disclaimer, correction or explanation," there shall be substituted the words "before the date of the decision allowing the amendment."	Section 91	In sub-section (5) for the word "and" there shall be substituted the word "or."
Section 25	In sub-section (2) at the end of paragraph (a) the word "or" and paragraph (b) shall be omitted.	Section 92	In sub-section (2), after the words "the appeal shall" there shall be inserted the words "except in the case of a petition for the revocation of a patent under section twenty-five of this Act, and"; and for the words "and the decision of that judge" to the end of the sub-section there shall be substituted the words "an appeal shall not lie from any decision of such judge except in the case of an order revoking or confirming the revocation of a patent."
Section 26	In sub-section (1) the words "in the prescribed manner" shall be omitted.		
Section 31	In sub-section (1) for the word "either" there shall be substituted the word "all."		



Section Amended.	Nature of Amendment.
Section 93	For the words "Proprietor of a new and original design" there shall be substituted the words "Proprietor of a new or original design."
Section 94	For sub-section (5) the following sub-section shall be substituted:— "(5) Notwithstanding anything in this Act, the expression 'the Court' shall in reference to proceedings in Scotland for the extension of the term of a patent mean any Lord Ordinary of the Court of Session."

### CHAPTER 81.

#### DOGS REGULATION (IRELAND) ACT, 1919.

An Act to amend the Dogs Regulation (Ireland) Act, 1865.  
[23rd December, 1919.]

### CHAPTER 82.

#### IRISH LAND (PROVISION FOR SAILORS AND SOLDIERS) ACT, 1919.

An Act to facilitate the provision of land in Ireland for men who have served in the Naval, Military, or Air Forces of the Crown in the present war, and for other purposes incidental thereto.  
[23rd December, 1919.]

### CHAPTER 83.

#### WORKMEN'S COMPENSATION (WAR ADDITION) AMENDMENT ACT, 1919.

An Act to amend the Workmen's Compensation (War Addition) Act, 1917.  
[23rd December, 1919.]

Be it enacted, &c. :—

1. *Increase of additional weekly sum payable under 7 & 8 Geo. 5, c. 42.*—As from the commencement of this Act the additional weekly sum payable under the Workmen's Compensation (War Addition) Act, 1917 (in this Act referred to as "the War Addition Act"), shall, instead of being a sum equal to one-quarter of the amount of the weekly payment, be a sum equal to three-quarters of the amount of the weekly payment.

2. *Extension of right to additional sum to persons entitled to compensation under the Workmen's Compensation Acts, 1897 and 1900.*—The War Addition Act, as amended by this Act, shall apply to workmen entitled during total incapacity to weekly payments by way of compensation under the Workmen's Compensation Acts, 1897 and 1900, as it applies to workmen so entitled under the Workmen's Compensation Act, 1906, with the substitution for the references in the War Addition Act to the Workmen's Compensation Act, 1906, of references to the corresponding provisions (if any) of the Workmen's Compensation Act, 1897.

3. *Commencement and short title.*—(1) This Act shall come into operation on the first day of January, nineteen hundred and twenty.

(2) This Act may be cited as the Workmen's Compensation (War Addition) Amendment Act, 1919, and the War Addition Act and this Act may be cited together as the Workmen's Compensation (War Addition) Acts, 1917 and 1919.

### CHAPTER 84.

#### COUNTY AND BOROUGH POLICE ACT, 1919.

An Act to amend section four of the County and Borough Police Act, 1859.  
[23rd December, 1919.]

Be it enacted, &c. :—

1. *Amendment of 22 & 23 Vict., c. 32, s. 4.*—Section four of the County and Borough Police Act, 1859 (which relates to penalties for resignation or withdrawal from duty of police without notice), shall have effect, and shall, as from the first day of April, nineteen hundred and nineteen, be deemed to have had effect as if for the word "forfeited" there were substituted the words "liable to be forfeited."

2. *Short title.*—This Act may be cited as the County and Borough Police Act, 1919, and the Police Acts, 1839 to 1910, and this Act may be cited together as the Police Acts, 1839 to 1919.

### CHAPTER 85.

#### MENTAL DEFICIENCY AND LUNACY (AMENDMENT) ACT, 1919.

An Act to remove the limit imposed by section forty-seven of the Mental Deficiency Act, 1913, and by section thirty-seven of the Mental Deficiency and Lunacy (Scotland) Act, 1913, on the con-

tributions which may be made by the Treasury under those sections, and to extend the powers of district boards of control in Scotland to borrow money.  
[23rd December, 1919.]

Be it enacted, &c. :—

1. *Removal of limit on Treasury contribution.*—The limit imposed by section forty-seven of the Mental Deficiency Act, 1913 (3 & 4 Geo. 5, c. 28), and section thirty-seven of the Mental Deficiency and Lunacy (Scotland) Act, 1913 (3 & 4 Geo. 5, c. 38), on the amounts which may be paid in any financial year out of money provided by Parliament towards the expenses referred to in those sections shall not apply to the amount to be so paid in the financial year commencing on the first day of April, nineteen hundred and nineteen, or in any subsequent financial year, and accordingly in each of those sections the proviso is hereby repealed.

2. *Abolition of limit on rate of interest at which district boards in Scotland may borrow.*—So much of section sixty-one of the Lunacy (Scotland) Act, 1857 (20 & 21 Vict. c. 71), as limits the rate of interest at which district boards may borrow, shall cease to have effect, and the words therein occurring "and such money may be so borrowed at any rate of interest not exceeding five pounds per centum per annum" are hereby repealed.

3. *Power of district board in Scotland to borrow for current expenditure.*—If in any year a district board of control shall find it necessary to make payments in connection with the current annual expenditure for the purposes of the Lunacy (Scotland) Acts, 1857 to 1913, and the Mental Deficiency and Lunacy (Scotland) Act, 1913, in anticipation of the assessment authorised under the said Acts, it shall be lawful for such district board to borrow by way of temporary loan or overdraft on the security of the aforesaid assessment such amount as may be necessary to meet such expenditure, but, when any sum has been so borrowed on the security of the assessment of any financial year, it shall not be competent to borrow on the security of the assessment of any other year until the money borrowed as aforesaid shall have been paid off.

4. *Short title.*—(1) This Act may be cited as the Mental Deficiency and Lunacy (Amendment) Act, 1919.

(2) The Mental Deficiency Act, 1913, and this Act, so far as it amends that Act, may be cited together as the Mental Deficiency Acts, 1913 to 1919, and the Lunacy (Scotland) Acts, 1857 to 1913, and this Act, so far as it amends those Acts, may be cited together as the Lunacy (Scotland) Acts, 1857 to 1919.

### CHAPTER 86.

#### ANGLO-PERSIAN OIL COMPANY (ACQUISITION OF CAPITAL) AMENDMENT ACT, 1919.

An Act to amend the Anglo-Persian Oil Company (Acquisition of Capital) Act, 1914.  
[23rd December, 1919.]

### CHAPTER 87.

#### PROFITEERING (CONTINUANCE) ACT, 1919.

An Act to extend the duration of the Profiteering Act, 1919.  
[23rd December 1919.]

Be it enacted, &c. :—

1. *Continuation of 9 & 10 Geo. 5, c. 66.*—The Profiteering Act, 1919, shall continue in force until the nineteenth day of May, nineteen hundred and twenty.

2. *Short title.*—This Act may be cited as the Profiteering (Continuance) Act, 1919, and the Profiteering Act, 1919, and this Act may be cited together as the Profiteering Acts, 1919.

### CHAPTER 88.

#### APPROPRIATION ACT, 1919.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and twenty, and to appropriate the Supplies granted in this Session of Parliament  
[23rd December, 1919.]

### CHAPTER 89.

#### REGIMENTAL DEBTS (DEPOSIT OF WILLS) (SCOTLAND) ACT, 1919.

An Act to make provision with regard to wills deposited under section twenty-one of the Regimental Debts Act, 1893, with the Commissary Clerk of the County of Edinburgh, and required for the purpose of confirmation as executor or of completing a title to heritable estate in Scotland.  
[23rd December 1919.]

### CHAPTER 90.

#### INCREASE OF RENT, &c. (AMENDMENT), ACT, 1919.

An Act to amend the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, and the enactments amending that Act, in relation to orders for possession and ejectment.  
[23rd December, 1919]

Be it enacted, &c. :—

1. *Orders for possession.*—(1) After the passing of this Act no order or judgment for the recovery of possession of a dwelling-house to which the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915 [5 & 6 Geo. 5, c. 97] (hereinafter called the principal Act), or any of the Acts amending the same applies, or for the ejectment of a tenant therefrom, shall be made or given, so long as the tenant continues to pay rent at the agreed rate as modified by the principal Act or any of the Acts amending the same and performs the other conditions of the tenancy, unless—

(a) the tenant has committed waste or has been guilty of conduct which is a nuisance or an annoyance to adjoining or neighbouring occupiers, and the court considers it reasonable to make such an order or give such judgment; or

(b) the tenant, by sub-letting the dwelling-house or any part thereof, or by taking in lodgers, is making a profit which, having regard to the rent paid by the tenant, is unreasonable, and the court considers it reasonable to make such an order or give such judgment; or

(c) the premises are reasonably required by the landlord for the occupation of himself or some other person in his employ, or in the employ of some tenant from him, and the court, after considering all the circumstances of the case, including especially the alternative accommodation available for the tenant, considers it reasonable to make such an order or give such judgment.

(2) At the time of making any order or giving any judgment for the recovery of possession of any such dwelling-house or for the ejectment of a tenant therefrom, or in the case of any such order or judgment which has been made or given, whether before or after the passing of this Act, and not executed, at any subsequent time, the court may, if the order or judgment was made or given on the ground that the premises were reasonably required as aforesaid, stay or suspend execution thereof, or postpone the date of possession, for such period or periods as it shall think fit, either unconditionally or subject to such conditions in regard to payment by the tenant of rent or mesne profits and otherwise as the court shall think fit, and, if such conditions are complied with, the court may, if it shall think fit, discharge or rescind such order or judgment.

(3) Where any order or judgment has been made or given before the passing of this Act, but not executed, and in the opinion of the court the order or judgment would not have been made or given if this Act had been in force at the time when such order or judgment was made or given, the court may, on application by the tenant, rescind or vary such order or judgment in such manner as the court may think fit for the purpose of giving effect to this Act.

(4) Notwithstanding anything in section one hundred and forty-three of the County Courts Act, 1888 [51 & 52 Vict. c. 43], every warrant for delivery of possession of a dwelling-house to which the principal Act or any Act amending the same applies, shall remain in force for three months from the day next after the last day named in the judgment or order for delivery of possession or ejectment, and for such further period or periods, if any, as the court shall from time to time, whether before or after the expiration of such three months direct.

(5) This Act shall not apply to a dwelling-house let at a rent which includes payments in respect of board, attendance, or use of furniture.

(6) In the application of this section to Scotland a reference to profits shall be substituted for the reference to mesne profits.

2. *Short title, construction and repeal.*—(1) This Act may be cited as the Increase of Rent, &c. (Amendment), Act, 1919, and shall remain in force until the first day of July, nineteen hundred and twenty, and shall be construed as one with the principal Act.

(2) The enactments set out in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

#### SCHEDULE.

[Section 2.]

Session and Chapter.	Short Title.	Extent of Repeal
5 & 6 Geo. 5, c. 97	Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915	S. 1 (3).
8 Geo. 5, c. 7	Increase of Rent, &c. (Amendment), Act, 1918	The whole Act.
9 Geo. 5, c. 7	Increase of Rent and Mortgage Interest (Restrictions) Act, 1919	S. 5 (2).

#### CHAPTER 91.

##### MINISTRY OF AGRICULTURE AND FISHERIES ACT, 1919.

An Act to provide for the constitution of a Ministry of Agriculture and Fisheries and of Councils and Committees in connection with

agriculture, and to amend the Board of Agriculture and Fisheries Acts, 1889 to 1909.

[23rd December 1919.]

Be it enacted, &c. :—

#### PART I.

##### CONSTITUTION OF MINISTRY OF AGRICULTURE AND FISHERIES.

1. *Substitution of Ministry of Agriculture and Fisheries for Board of Agriculture and Fisheries.*—(1) It shall be lawful for His Majesty to appoint a Minister of Agriculture and Fisheries who shall hold office during His Majesty's pleasure, and from and after the date of the first appointment any reference in any Act or document to the Board of Agriculture and Fisheries, or to the President of that Board, shall be construed as a reference to the Minister or the Ministry of Agriculture and Fisheries, as the context may require.

(2) For the purpose of acquiring and holding land or other property the Minister for the time being shall be a corporation sole by the name of the Minister of Agriculture and Fisheries, and all property transferred to the Minister by this Act or otherwise vested in the Minister shall (except where and to such extent as the property is held on other trusts) be held in trust for His Majesty for the purposes of the Ministry of Agriculture and Fisheries.

(3) Upon and by virtue of the appointment of any person to be Minister the benefit of all deeds, contracts, bonds, securities, or things in action vested in his predecessor at the time of his predecessor ceasing to hold office shall be transferred to and vested in and enure for the benefit of the person so appointed, in the same manner as if he had been contracted with instead of his predecessor, and as if his name had been inserted in all such deeds, contracts, bonds, or securities instead of the name of his predecessor. For the purposes of this provision, the Board shall be deemed to be the predecessor of the person first appointed to be the Minister.

(4) Section one of the Board of Agriculture Act, 1889 [52 & 53 Vict. c. 36] is hereby repealed.

#### PART II.

##### COUNCILS AND ADVISORY COMMITTEES FOR ENGLAND AND WALES.

2. *Constitution of councils and committees.*—(1) For the purpose of assisting the Board of Agriculture and Fisheries (in this Act referred to as the Board) in executing their powers and duties, there shall be established

(a) a Council of Agriculture for England;

(b) a Council of Agriculture for Wales;

(c) an Agricultural Advisory Committee for England and Wales.

(2) The Council of Agriculture for England and the Council of Agriculture for Wales may from time to time by agreement act together as one Council.

(3) The various councils and committees above referred to shall be constituted as provided by the First Schedule to this Act.

3. *Duties of Councils of Agriculture.*—Each Council of Agriculture shall meet at least twice a year for the purpose of discussing matters of public interest relating to agriculture or other rural industries, and such meetings shall be held in public.

4. *Duties and powers of Agricultural Advisory Committee.*—The Agricultural Advisory Committee shall advise the Board with respect to all matters and questions submitted to them in relation to the exercise by the Board of any powers or duties which do not relate to the industry of fishing, and shall be at liberty to make recommendations to the Board in relation to other matters affecting agriculture or other rural industries.

5. *Supplementary provisions as to councils and committees.*—(1) The Board may make general regulations for regulating the proceedings for the appointment of the members of each council and committee established by this Part of this Act, and the number of meetings and the mode of convening them and the proceedings and quorum of each council and committee, and the appointing body, council or committee shall act in accordance with those regulations.

(2) The President of the Board, or, in his absence, the Parliamentary secretary of the Board, shall be entitled to attend any meeting of the advisory committee established by this Part of this Act and to act as chairman of the meeting, but shall not vote at any meeting of the committee.

(3) The Board may require any of their officers to act as secretary or other officer of a council or committee established by this Part of this Act.

(4) Any regulation made under this Act shall be laid before both Houses of Parliament forthwith; and if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation may be annulled, it shall henceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new regulation.

(5) The expenses of any council or committee established by this Part of this Act shall, to such extent as may be sanctioned by the Board, with the consent of the Treasury, be defrayed by the Board out of moneys provided by Parliament; and such expenses may include such sums as the Board think reasonable for the travelling expenses and subsistence allowance of the members of the council or committee.

6. *Provision as to Monmouthshire.*—For the purposes of this Act, Monmouthshire shall be included in Wales and not in England.



PART III.

COUNTY AGRICULTURAL COMMITTEES.

7. *Constitution of committees.*—(1) The council of every county (other than the London County Council) shall, and the London County Council and the council of any county borough may, establish an agricultural committee constituted in accordance with a scheme made by the council and approved by the Board. A committee may consist of persons who are not members of the council.

(2) All matters relating to the exercise by the council of their powers under any Act specified in the Second Schedule to this Act, and all other matters relating to agriculture, except such matters as under the Education Act, 1902 [2 Edw. 7, c. 42], stand referred to the education committee, and, except the raising of a rate or borrowing, shall stand referred to the agricultural committee, and the council, before exercising their powers in relation to any matter so referred, shall, unless in their opinion the matter is urgent, receive and consider the report of the agricultural committee with respect to the matter in question: Provided that—

(i) on the application of the council the Board, after consultation with the Board of Education, may by order direct that any matter specified in the order and relating to agricultural education which but for this provision would stand referred to the education committee shall stand referred to the agricultural committee; and

(ii) if the London County Council or the council of a county borough so resolve matters relating to any of their powers under any Act specified in the said schedule shall not stand so referred to the agricultural committee.

(3) The council may delegate to the agricultural committee with or without any restrictions or conditions any of their powers in relation to matters which by virtue of this section stand referred to the committee, and, if so provided by the scheme, any powers so delegated may in like manner be delegated by the agricultural committee to a sub-committee. A sub-committee may consist partly of persons who are not members of the council or the agricultural committee.

(4) Every scheme under this section shall provide—

(a) for the appointment by the council of at least a majority of the agricultural committee, and the persons so appointed shall be persons who are members of the council, unless, in the case of a county, the council otherwise determine;

(b) for the appointment by the Board of not more than one-third of the members of the agricultural committee, and of any sub-committee to which powers of the agricultural committee are delegated;

(c) for the inclusion of women as well as men among the members of the agricultural committee;

(d) for the appointment, in the case of the council of every county (other than the London County Council), of such persons only as have practical, commercial, technical, or scientific knowledge of agriculture or an interest in agricultural land.

(5) Any scheme under this section may provide for the payment as part of the expenses of the agricultural committee of travelling expenses and subsistence allowance of members of the committee or of any sub-committee of the committee.

(6) Any scheme under this section may, for all or any of the purposes of this section, provide for a joint agricultural committee for any area formed by a combination of counties or county boroughs or parts thereof.

(7) If a scheme under this section has not been made by a council of a county (other than the London County Council) and approved by the Board within six months after the passing of this Act, the Board may, after consultation with the council, make a scheme for the purposes for which a scheme might have been made by the council.

8. *Additional powers of committees.*—(1) The Board may authorize, subject to any restrictions or conditions they think fit, an agricultural committee or a sub-committee thereof to exercise on behalf of the Board any of the powers of the Board under the provisions of Part IV. of the Corn Production Act, 1917 [7 & 8 Geo. 5, c. 46], or Part II. of the Land Drainage Act, 1918 [8 & 9 Geo. 5, c. 17], notwithstanding that the committee or sub-committee is not constituted in accordance with those provisions, or any powers of the Board in relation to land acquired by them under the Small Holding Colonies Acts, 1916 [6 & 7 Geo. 5, c. 38] and 1918 [8 & 9 Geo. 5, c. 26].

(2) The agricultural committee shall appoint a small holdings and allotments sub-committee and a diseases of animals sub-committee, who shall respectively act as the small holdings and allotments committee required to be established under section fifty of the Small Holdings and Allotments Act, 1908 [8 Edw. 7, c. 36], and as the executive committee appointed under the Diseases of Animals Act, 1894 [57 & 58 Vict., c. 57], though the sub-committee may not be constituted in accordance with the provisions of those Acts. Any power of the county council or borough council exercisable under the Small Holdings and Allotments Act, 1908, or any Act amending the same (except the power to raise a rate or loan), shall be exercisable by the sub-committee so appointed until the thirty-first day of March nineteen hundred and twenty-six, notwithstanding that the exercise of such power has not been delegated to the sub-committee under the preceding section.

(3) The small holdings and allotments sub-committee shall comprise one or more members as representing tenants of small holdings and allotments.

(4) A county agricultural committee (other than an agricultural

committee for the administrative county of London) shall make such inquiries as appear to them to be desirable with a view to formulating schemes for the development of rural industries and social life in rural places, and for the co-ordination of action by local authorities and other bodies by which such development may be effected, and shall report the result of such inquiries to the Board and to any local authority or body concerned, and the expenses incurred by the committee under this subsection to such amount as may be sanctioned by the Board with the approval of the Treasury shall be defrayed by the Board.

9. *Audit of accounts.*—(1) The accounts of an agricultural committee and of their officers shall be audited as part of the accounts of the council by whom the committee is established.

(2) Where a joint agricultural committee is formed for an area, including a county or any part of a county, the accounts of the joint committee and of their officers shall be audited as if the joint committee were a county council, and the enactments relating to the audit of accounts of county councils shall apply accordingly.

(3) The accounts of any sub-committee of an agricultural committee or joint agricultural committee to which this section applies shall be deemed to be accounts of the agricultural committee or joint agricultural committee.

10. *Interpretation.*—In this Act the expression "agriculture" includes horticulture and forestry, and the expression "rural industries" means local industries connected with agriculture.

PART IV.

GENERAL.

11. *Short title and extent.*—(1) This Act may be cited as the Ministry of Agriculture and Fisheries Act, 1919, and the Board of Agriculture and Fisheries Acts, 1889 to 1909, and this Act may be cited together as the Ministry of Agriculture and Fisheries Acts, 1889 to 1919.

(2) This Act shall not extend to Scotland or Ireland.

SCHEDULES.

FIRST SCHEDULE.

[Section 2.]

1. *Composition of councils and committees.*—The Council of Agriculture for England shall consist of the following members:—

(a) Two members of each agricultural committee established by a council of a county and one member of each agricultural committee established by a county borough in England to be nominated by the committee:

Provided that, if the agricultural committees established by councils of county boroughs shall exceed twelve in number, the total number of members nominated by those committees shall be twelve and the members shall be nominated by the committees in such manner as the Board may by regulation prescribe:

(b) Six members of the Agricultural Wages Board to be nominated by that Board, provided that the representatives of workmen shall be three in number:

(c) Thirty-six persons nominated by the Board, of whom not less than eight shall be representative of workmen engaged in agriculture, not less than four owners of agricultural land, not less than four tenants of such land, not less than three women, not less than six representatives of the industry of horticulture, and not less than three representatives of agricultural education or research.

(2) The Council of Agriculture for Wales shall consist of the following members:—

(a) Two members of each agricultural committee established by a council of a county and one member of each agricultural committee established by a county borough in Wales to be nominated by the committee:

Provided that, if the agricultural committees established by councils of county boroughs shall exceed six in number the total number of members nominated by those committees shall be six, and the members shall be nominated by the committees in such manner as the Board may by regulation prescribe:

(b) Five persons nominated by the governing body of the University of Wales:

(c) Two members of the Agricultural Wages Board to be nominated by that Board in equal numbers from the representatives of employers and workmen:

(d) Twelve persons nominated by the Board, of whom not less than five shall be representative of workmen engaged in agriculture, not less than two owners of agricultural land, not less than two tenants of such land, and not less than two women.

(3) The Agricultural Advisory Committee shall consist of the following members:—

(a) Five of the members of the Council of Agriculture for England who have been nominated by the agricultural committees to be nominated by the whole body of such members representing the agricultural committees:

(b) Five of the members of the Council of Agriculture for England who have been nominated by the Board to be nominated by the whole body of such members, and so that one of the persons so nominated shall be an owner and one shall be a tenant of agricultural land, and one shall be representative of workmen engaged in agriculture, one shall be a woman, one shall be representative of agricultural education or research.

(c) Two members to be nominated by the Board representing respectively employers and workmen:

(d) Two members of the Council of Agriculture for Wales to be nominated by that council:

(e) Two members to be nominated by the Secretary for Scotland, who shall be entitled to attend and vote only in relation to matters and questions arising under the Diseases of Animals Acts, 1874 to 1914.

(4) The Board may by regulation vary the constitution of any such council or committee.

2. *Term of office of members of councils and committees.*—(1) Subject to the provisions of any regulations made under this Act, the term of office of a member of a council or committee shall be four years, provided that—

(a) of the first members of each council or committee one-half, or if the total is not divisible by two, the larger half shall hold office for two years only, and the determination of the members so to retire shall be prescribed by regulations made by the Board which, so far as practicable, shall secure that the retirements affect equally all interests represented on the council or committee;

(b) a member shall cease to hold office if he ceases to be qualified for nomination by the body by which he was nominated;

(c) Any member may retire by notice in writing to the secretary of the council or committee;

(d) a casual vacancy shall be filled by nomination by the body which nominated the member causing the vacancy, and any person so nominated shall act only for the unexpired portion of the term of office of his predecessor.

(2) A council or committee may act notwithstanding any vacancy in the membership thereof.

#### SECOND SCHEDULE.

##### [Section 7.]

Destructive Insects and Pests Acts, 1877 and 1907.

Diseases of Animals Acts, 1894 to 1914.

Fertilisers and Feeding Stuffs Act, 1906.

Land Drainage Act, 1918.

Small Holdings and Allotments Act, 1908.

### CHAPTER 92.

#### ALIENS RESTRICTION (AMENDMENT) ACT, 1919.

An Act to continue and extend the provisions of the Aliens Restriction Act, 1914. (23rd December, 1919.)

Be it enacted, &c.:—

##### *Continuance and Extension of Emergency Powers.*

1. *Continuance of emergency powers.*—(1) The powers which under sub-section (1) of section one of the Aliens Restriction Act, 1914 [4 & 5 Geo. 5, c. 12] (which Act, as amended by this Act, is hereinafter in this Act referred to as the principal Act), are exercisable with respect to aliens at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen, shall, for a period of one year after the passing of this Act, be exercisable, not only in those circumstances, but at any time; and accordingly that sub-section shall, for such period as aforesaid, have effect as though the words "at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen" were omitted.

(2) Any order made under the principal Act during the currency of this section shall be laid before each House of Parliament forthwith, and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat after any such order is laid before it praying that the order may be annulled, His Majesty in Council may annul the order, and it shall henceforth be void, but without prejudice to the validity of anything previously done thereunder:

Provided that this provision shall not apply in the case of an order the operation of which is limited to a time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen.

2. *Extension of powers.*—(1) Sub-section (1) of section one of the principal Act shall be amended by the addition at the end thereof of the following paragraph:—

(f) for determining what nationality is to be ascribed to aliens in doubtful circumstances, and for disregarding, in the case of any person against whom a deportation or expulsion order has been made, any subsequent change of nationality.

(2) For the purpose of enforcing the provisions of any Treaty of Peace concluded or to be concluded between His Majesty and any Power with which His Majesty was at war in the year nineteen hundred and eighteen, His Majesty may by Order in Council under the principal Act make regulations requiring information to be given as to the property, liabilities, and interests of former enemy aliens, and for preventing (without notice or authority) the transfer of or other dealings with the property of such aliens.

##### *Further Restriction of Aliens.*

3. *Incitement to sedition, &c.*—(1) If any alien attempts or does any act calculated or likely to cause sedition or disaffection amongst any

of His Majesty's Forces or the forces of His Majesty's allies, or amongst the civilian population, he shall be liable on conviction on indictment to penal servitude for a term not exceeding ten years, or on summary conviction to imprisonment for a term not exceeding three months.

(2) If any alien promotes or attempts to promote industrial unrest in any industry in which he has not been bona fide engaged for at least two years immediately preceding in the United Kingdom, he shall be liable on summary conviction to imprisonment for a term not exceeding three months.

4. *Pilotage certificates.*—No alien shall hold a pilotage certificate for any pilotage district in the United Kingdom; except that the provisions of section twenty-four of the Pilotage Act, 1913 [2 & 3 Geo. 5, c. 31], shall continue to apply to the renewal and issue of certificates entitling a master or mate of French nationality to navigate his ship into the ports of Newhaven or Grimsby.

5. *Employment of aliens in ships of the mercantile marine.*—(1) No alien shall act as master, chief officer, or chief engineer of a British merchant ship registered in the United Kingdom, or as skipper or second hand of a fishing boat registered in the United Kingdom, except in the case of a ship or boat employed habitually in voyages between ports outside the United Kingdom:

Provided that his prohibition shall not apply to any alien who has acted as a master, chief officer, or chief engineer of a British ship, or as skipper or second hand of a British fishing boat, at any time during the war, and is certified by the Admiralty to have performed good and faithful service in that capacity.

(2) No alien shall be employed in any capacity on board a British ship registered in the United Kingdom at a rate of pay less than the standard rate of pay for the time being current on British ships for his rating:

Provided that, where the Board of Trade are satisfied that aliens of any particular race (other than former enemy aliens) are habitually employed afloat in any capacity, or in any climate, for which they are specially fitted, nothing in this section shall prejudice the right of aliens of such race to be employed upon British ships at rates of pay which are not below those for the time being fixed as standard rates for British subjects of that race.

(3) No alien shall be employed in any capacity on board a British ship registered in the United Kingdom unless he has produced to the officer before whom he is engaged satisfactory proof of his nationality.

(4) Any person who engages an alien for employment on a British ship in contravention of the provisions of this section shall be guilty of an offence under this Act.

6. *Appointment of aliens to the Civil Service.*—After the passing of this Act no alien shall be appointed to any office or place in the Civil Service of the State.

7. *Restriction of change of name by aliens.*—(1) An alien shall not for any purpose assume or use or purport to assume or use or continue after the commencement of this Act the assumption or use of any name other than that by which he was ordinarily known on the fourth day of August nineteen hundred and fourteen.

(2) Where any alien carries on or purports or continues to carry on, or is a member of a partnership or firm which carries on, or which purports or continues to carry on any trade or business in any name other than that under which the trade or business was carried on on the fourth of August nineteen hundred and fourteen, he shall, for the purpose of this section, be deemed to be using or purporting or continuing to use a name other than that by which he was ordinarily known on the said date.

(3) A Secretary of State may, if it appears desirable on special grounds in any particular case, grant an exemption from the provisions of this section, but shall not do so unless he is satisfied that the name proposed to be assumed, used, or continued is in the circumstances of the case a suitable name.

(4) Nothing in this section shall—

(a) affect the assumption or use or continued assumption or use of any name in pursuance of a royal licence; or

(b) affect the continuance of the use by any person of a name which he has assumed before the commencement of this Act if he has been granted an exemption under the Defence of the Realm Regulations or the Aliens Restriction Order in force on the first day of January nineteen hundred and nineteen; or

(c) prevent the assumption or use by a married woman of her husband's name.

(5) A fee of ten guineas shall be paid by any alien on obtaining an exemption under this section; but the Secretary of State may remit the whole or any part of such fee in special cases.

(6) A list of the persons to whom the Secretary of State has granted an exemption under this section shall be published in the Gazette as soon as may be after the granting of the exemption.

(7) Any person to whom such exemption is granted shall, unless the Secretary of State shall expressly dispense with such publication, within one calendar month thereafter publish at his own expense, in some paper circulating in the district in which he resides, an advertisement stating the fact that the exemption has been granted.

8. *Provisions as to aliens on juries.*—No alien shall sit upon a jury in any judicial or other proceedings if challenged by any party to such proceedings.



*Special Provisions as to former Enemy Aliens.*

9. *Deportation of former enemy aliens.*—(1) Every former enemy alien who is now in the United Kingdom and to whom this section applies shall be deported forthwith unless the Secretary of State on the recommendation of the advisory committee, to be constituted under this section, shall grant him a licence to remain.

(2) The Secretary of State may, if he is satisfied on the recommendation of the said advisory committee that there is no reason to the contrary, grant such licence, subject to such terms and conditions (if any) as he shall think fit.

(3) This section shall apply to any former enemy alien now in the United Kingdom (not being a former enemy alien exempted from internment or repatriation on the recommendation of any advisory committee appointed after the first day of January nineteen hundred and eighteen and before the passing of this Act) as to whom there shall be delivered to the Secretary of State, within two months after the passing of this Act, a statement in writing signed by any credible person to the effect that the continued residence in the United Kingdom of that alien is, for reasons relating to the alien, undesirable in the public interest, and giving particulars of the allegations upon which such reasons are based.

(4) The Secretary of State shall refer all such statements to the advisory committee to be constituted under this section, and the committee shall thereupon require each alien affected to make to the committee within one month, in a form prescribed by the committee, an application to be allowed to remain in the United Kingdom, stating the general grounds on which the application is based, and the answer of the alien to the allegations made in relation to him, and the committee shall examine into such allegations and in the result may—

(a) recommend that the alien be immediately deported; or

(b) if satisfied that the allegations are groundless or insufficient, and that the alien affected holds an exemption recommended by any advisory committee appointed in the year nineteen hundred and fifteen, recommend that such exemption be not disturbed; or

(c) in any case in which it seems to them right and proper so to do, recommend that the alien be granted a licence to remain, subject to such terms and conditions (if any) as may appear to them to be fitting in the circumstances.

(5) In granting a licence under this section, the Secretary of State may include in the licence the wife of the applicant and any child or children of his, and such inclusion shall, notwithstanding anything in this section, have the same effect as the grant of a licence.

(6) A list of the persons to whom such licence is granted shall, as soon as may be after the granting of the licence, be published in the Gazette.

(7) Any licence so granted may be at any time revoked by the Secretary of State.

(8) If such licence is not granted, or if, having been granted, it is revoked, the Secretary of State shall make an order (in this Act referred to as a deportation order) requiring the alien to leave the United Kingdom and thereafter to remain out of the United Kingdom so long as the order remains in force. The Secretary of State may, by a deportation order, require the alien to return to the country of which he is a subject or citizen.

(9) The provisions of this section shall be in addition to and not in derogation of any other provisions of the principal Act or this Act or any Order in Council made thereunder.

(10) The Secretary of State shall appoint an advisory committee for the purpose of this section, consisting of a chairman and such other persons including members of both Houses of Parliament, as the Secretary of State may think fit.

(11) This section shall not apply to any subject of the Ottoman Empire who holds a certificate issued by a police authority, or by or under the direction of the Secretary of State, granting exemption from any provisions of Part II. of the Aliens Restriction Order in force on the first day of January nineteen hundred and nineteen, applicable to alien enemies.

10. *Admission of former enemy aliens.*—(1) No former enemy alien shall, for a period of three years after the passing of this Act, be permitted to land in the United Kingdom either from the sea or from the air, or, if he should land without permission, to remain in the United Kingdom, without the permission of the Secretary of State, to be granted only on special grounds, and such permission shall, save as hereinafter provided, be limited in duration to a period of three months, and may, upon special grounds, be renewed from time to time for a like period.

(2) A list of the persons to whom permissions are so granted during each month shall be published in the London Gazette as soon as practicable after the end of each such month.

(3) The requirement of this section that permission to remain in the United Kingdom shall be limited to a period of three months shall not apply to a former enemy alien who was resident in the United Kingdom at the date of the passing of this Act, and after a temporary absence abroad returns to the United Kingdom.

(4) Where any former enemy alien, formerly resident in the United Kingdom, and having a British-born wife or a British-born child under the age of sixteen still resident in the United Kingdom, applies, within three months from the passing of this Act, to the Secretary of State for permission to land in the United Kingdom, the Secretary of State shall refer the application to the advisory committee constituted under the last foregoing section of this Act, and, if that committee recommends that he be permitted to land, he shall be so permitted, and the require-

ment of this section that permission to remain in the United Kingdom shall be limited to a period of three months shall not apply.

11. *Temporary restriction on acquisition by former enemy aliens of certain kinds of property.*—(1) During a period of three years from the passing of this Act it shall not be lawful for a former enemy alien, either in his own name or in the name of a trustee or trustees, to acquire property of any of the following descriptions; that is to say:—

(a) Any land, or any interest in any land, in the United Kingdom; or

(b) Any interest in a key industry, or any share or interest in a share in a company registered in the United Kingdom which carries on any such industry; or

(c) Any share or interest in a share in a company owning a British ship registered in the United Kingdom.

(2) If any such property as aforesaid is acquired in contravention of this section, the Board of Trade may, on an application made to them for the purpose, by order vest the property in the Public Trustee.

Any such order may contain provisions amplying for the purposes of the order, with such modifications as the Board think necessary, any of the provisions of section four of the Trading with the Enemy Amendment Act, 1916 [5 & 6 Geo. 5, c. 105], or any enactment referred to in that section.

(3) For the purpose of this section—

The expression "key industry" means any industry included in a list declared by the Board of Trade to be a list of key industries for the purposes of this section;

The expression "share" includes any stock forming part of the capital of a company and securities of any description issued by a company;

The expression "interest in land" does not include a tenancy for a period not exceeding three years at a rackrent.

(4) Any list of key industries prepared by the Board of Trade under this section shall be published as soon as it is made in the London Gazette, and may be varied or amended by the Board from time to time.

12. *Employment of former enemy aliens in British ships.*—No former enemy alien shall be employed or shall act as master, officer, or member of the crew of a British ship registered in the United Kingdom.

*General.*

13. *Offences and penalties.*—(1) If any person acts in contravention of or fails to comply with the provisions of this Act or any order or rules made or conditions imposed thereunder, he shall be guilty of an offence against this Act.

(2) If any person aids or abets any person in any contravention of this Act or knowingly harbours any person whom he knows or has reasonable ground for believing to have acted in contravention of this Act, he shall be guilty of an offence against this Act.

(3) Where a person lands in the United Kingdom in contravention of this Act, the master of the ship or the pilot or commander of the aircraft from which he lands shall, unless he proves to the contrary, be deemed to have aided and abetted the offence.

(4) A person who is guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding six months, or, on a second or subsequent conviction, twelve months, or, in either case, to both such fine and imprisonment.

14. *Saving for diplomatic persons, &c.*—(1) Nothing in this Act contained shall be construed as imposing any restriction or disability on any duly accredited head of a foreign diplomatic mission or any member of his official staff or household.

(2) The Secretary of State may exempt from any of the special provisions of this Act as to former enemy aliens any consul or vice-consul to whom His Majesty is pleased to grant an exequatur and the wife and child of any such consul or vice-consul.

15. *Definitions.*—The expression "former enemy alien" means an alien who is a subject or citizen of the German Empire or any component state thereof, or of Austria, Hungary, Bulgaria, or Turkey, or who, having at any time been such subject or citizen, has not changed his allegiance as a result of the recognition of new states or territorial re-arrangements, or been naturalised in any other foreign state or in any British Possession in accordance with the laws thereof and when actually resident therein, and does not retain according to the law of his state or origin the nationality of that state.

Provided that the special provisions of this Act as to former enemy aliens, except the provisions of sub-section (2) of section two of this Act, shall not apply to any woman who was at the time of her marriage a British subject.

16. *Short title and repeal.*—(1) This Act may be cited as the Aliens Restriction (Amendment) Act, 1919, and the principal Act and this Act may be cited together as the Aliens Restriction Acts, 1914 and 1919.

(2) The Aliens Act, 1905 [5 Edw. 7, c. 13], is hereby repealed as from such date or dates as may be specified by Order in Council made under the principal Act, and any such order may fix different dates for the repeal of different provisions of the said Act, but an order under the principal Act may incorporate (with or without modifications) any of the provisions of the said Act.

Provided that any order or amendment made or action taken under the said Act shall, notwithstanding any such repeal as aforesaid, continue in force as though it had been made or taken under an Order in Council under the principal Act, subject, however, to any provisions of any such order.

## CHAPTER 93.

## PUBLIC LIBRARIES ACT, 1919.

An Act to amend the Public Libraries Acts, 1892 to 1901, and to repeal so much of the Museums and Gymnasiums Act, 1891, as authorizes the provision of Museums in England and Wales.

[23rd December, 1919.]

Be it enacted, &c. :—

1. *Powers of county councils to adopt the Public Libraries Acts.*—(1) The council of any county in England or Wales shall have power by resolution specifying the area to which the resolution extends to adopt the Public Libraries Acts for the whole or any part of their county, exclusive of any part of the county which is an existing library area within the meaning of this Act, as if the area specified in the resolution were a library district for the purposes of those Acts.

(2) Where any resolution is passed by the council of a county under this section, the Public Libraries Acts shall, as respects the area specified in the resolution, be carried into execution by the council as the library authority of the area, and, subject to the provisions of this Act, the power to adopt those Acts for any district comprised in that area, being a library district within the meaning of the Public Libraries Act, 1892 [55 & 56 Vict. c. 53], shall cease.

(3) Where the Public Libraries Acts have been adopted by the council of a county, the council may borrow for the purposes of those Acts as for the purposes of the Local Government Act, 1888 [51 & 52 Vict. c. 41]:

Provided that money borrowed for the purposes of those Acts shall not be reckoned as part of the total debt of the county for the purposes of sub-section (2) of section sixty-nine of the Local Government Act, 1888, and that sixty years shall be substituted for thirty years in sub-section (5) of the said section sixty-nine as the maximum period within which money borrowed for the purposes of those Acts is to be repaid.

2. *Arrangements between existing library authorities and county councils.*—(1) Any library authority, being the library authority of an existing library area and not being the council of a county borough, may, on such terms as may be agreed upon between the authority and the council of the county and approved by the Board, relinquish in favour of the council of the county any of their powers and duties under the Public Libraries Acts, and in that case the powers and duties so relinquished shall cease and the provisions of this Act shall have effect as if the council of the county had passed a resolution under this Act adopting the Public Libraries Acts as respects that area.

(2) Where under the provisions of this Act any existing library authority relinquishes its powers and duties in favour of the council of a county, any property or rights acquired for the purpose of the performance of those powers and duties shall by virtue of this Act be transferred to and become vested in the county council and any liabilities incurred for that purpose shall by virtue of this Act become liabilities of the county council.

3. *Reference and delegation of library powers to education committees.*—(1) Where after the commencement of this Act the Public Libraries Acts are adopted by an authority which is not the library authority of an existing library area and which is the local education authority for the purpose of Part II. of the Education Act, 1902 [2 Ed. 7, c. 43], all matters relating to the exercise by the authority of their powers under the Public Libraries Acts, except the power of raising a rate or borrowing money, shall stand referred to the education committee established under the Education Acts, 1870 to 1918, and the authority before exercising any such powers shall, unless in their opinion the matter is urgent, receive and consider the report of the education committee with respect to the matter in question.

(2) A library authority, being the local education authority for the purpose of Part II. of the Education Act, 1902, may refer any matters relating to the exercise by them of their powers under the Public Libraries Acts to the education committee established under the Education Acts, 1870 to 1918, and may delegate to that committee any of those powers other than the power of raising a rate or borrowing money, and any education committee to which any powers are delegated under this section may, subject to any directions of the council, delegate all or any of those powers to a sub-committee consisting either in whole, or in part, of members of the education committee.

(3) Where any powers stand referred or are delegated to an education committee in pursuance of this section, those powers shall not, by reason of being so delegated, be deemed for any purposes whatsoever to be powers conferred by the Education Acts, 1870 to 1918.

4. *Provision as to expenses and audit.*—(1) Section two of the Public Libraries Act, 1892 [55 & 56 Vict. c. 53] (which imposes limitations on the amount of the rate which may be levied for the purposes of that Act) shall cease to have effect, and, where the expenses incurred by any library authority for the purposes of the Public Libraries Acts during the financial year current at the commencement of this Act exceed the amount produced by the maximum rate which the authority have power to levy for the purposes of those Acts, no part of those expenses shall be open to objection on the audit of the accounts of the authority on the ground that the statutory limitation on expenditure has been exceeded, if and in so far as the expenses were in the opinion of the Ministry of Health reasonably incurred:

Provided that, if the library authority of any library district,

either at the time when Public Libraries Acts are adopted for the district or at any subsequent time, by resolution declare that the rate to be levied for the purposes of those Acts in the district or any specified portion of the district in any one financial year shall not exceed such sum in the pound as may be specified, the power to raise a rate for the purpose of those Acts in that district shall be limited accordingly, and any such resolution shall not be rescinded until the expiration of twelve months from the date on which it was passed.

(2) Any expenses incurred by the council of a county under the Public Libraries Acts shall be defrayed out of the county fund, and the council may, if they think fit, after giving reasonable notice to the overseers of the parish or parishes concerned, and in the case of an area situate within a borough including a metropolitan borough or urban district after consultation with the council of the borough or urban district, charge any expenses incurred by them under those Acts on any parish or parishes which in the opinion of the council of the county are served by any institution which has been provided or is being maintained by that council under those Acts:

Provided that the council of a county shall not charge any expenses so incurred on any parish or parishes within an existing library district without the concurrence of the library authority of that district.

(3) The accounts of the receipts and expenditure under the Public Libraries Acts of the council of a county shall be audited in manner provided by section seventy-one of the Local Government Act, 1888.

5. *Power to rescind resolutions of county councils adopting the Public Libraries Acts.*—(1) The council of a county by whom a resolution has been passed under this Act adopting the Public Libraries Acts may, if they think it advisable so to do with a view to the better carrying into effect of those Acts in any district, apply to the Board for an order rescinding the resolution as respects that district, and the Board may on any such application, if they think fit, make an order accordingly, and thereupon the Public Libraries Acts shall, as respects that district, have effect as from the date specified in that behalf in the order as though the resolution had not been passed.

(2) Any order made under this section may contain such consequential and supplemental provisions with respect to the transfer of any property or rights acquired or liabilities incurred under the Public Libraries Acts from the council of the county to the library authority of the district concerned as the Board think fit, but no such liabilities shall be transferred to such last mentioned library authority without their consent.

(3) In this section the expression "district" means, as the case requires, either a library district or a district which would have been a library district if a resolution adopting the Public Libraries Acts had not been passed under this Act by the council of the county.

6. *Power of certain library authorities to purchase land compulsorily.*—A library authority, being the local education authority for the purpose of Part II. of the Education Act, 1902, may be authorised to purchase land compulsorily for the purpose of any of their powers or duties under the Public Libraries Acts in the same manner as they are authorised to purchase land compulsorily for the purpose of their powers or duties under the Education Acts, 1870 to 1918, and subsection (1) of section thirty-four of the Education Act, 1918 [8 & 9 Geo. 5, c. 39], shall apply accordingly with the substitution of a reference to the Public Libraries Acts for references therein to the Education Acts, and with the omission of proviso (b) thereof.

7. *Repeal of s. 3 of 56 & 57 Vict. c. 11.*—Section three of the Public Libraries Act, 1893, shall cease to have effect, and accordingly any resolution passed in accordance with the ordinary procedure of the council concerned shall have full effect for the purposes of that Act.

8. *Power of providing schools of science and of art under s. 11 of 55 & 56 Vict. c. 53 to cease.*—As from the date of the commencement of this Act, the power of providing schools for science and schools for art conferred by section eleven of the Public Libraries Act, 1892, shall cease, without prejudice, however, to the power of maintaining under the Public Libraries Acts any such school established under that section before that date.

9. *Power of providing museums under 54 & 55 Vict. c. 22 to cease.*—As from the date of the commencement of this Act, so much of section four of the Museums and Gymnasiums Act, 1891, as authorises the provision of museums in England and Wales shall cease to have effect, without prejudice, however, subject as hereinafter provided, to the power of maintaining under that Act any museum established thereunder before the said date:

Provided that, where the district for which a museum has been provided under the said Act at the said date is, or is part of, or at any time after the said date becomes, or becomes part of, a district which is a library district within the meaning of the Public Libraries Acts, the museum shall be transferred to the library authority of the district, and be maintained by that authority as though it had been provided under those Acts.

10. *Interpretation.*—For the purposes of this Act—

The expression "the Public Libraries Acts" means the Public Libraries Acts, 1892 to 1901 and this Act;

The expression "the Board" means the Board of Education;



The expression "existing library area" means a district as respects which the Public Libraries Acts are in force and in which expenses have, within the last preceding financial year, been incurred for the purposes of those Acts, or in which a public library has been established and is being maintained under or by virtue of any local Act;

The expression "financial year" means the year ending on the thirty-first day of March.

11. *Short title and repeal.*—(1) This Act may be cited as the Public Libraries Act, 1919, and shall be construed as one with the Public Libraries Acts, 1892 to 1901, and those Acts and this Act may be cited together as the Public Libraries Acts, 1892 to 1919.

(2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

SCHEDULE.  
[Section 11.]

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 53.	The Public Libraries Act, 1892.	Section two; in section three the words "or with respect to any limitation of the rate other than the limitations specified in this Act"; subsection (4) of section twenty-one.
56 & 57 Vict. c. 11.	The Public Libraries (Amendment) Act, 1893.	In section two the words "subject to the conditions contained in the second section of that Act" and the words "and the limitation of the maximum rate to be levied for the purposes of that Act may within the limits fixed by that Act be fixed, raised or removed"; section three.
1 Ed. 7. c. 10.	The Public Libraries Act, 1901.	Section ten.

CHAPTER 94.

NURSES REGISTRATION ACT, 1919.

An Act to provide for the Registration of Nurses for the Sick.  
[23rd December 1919.]

Be it enacted, &c. :—

1. *Establishment and constitution of General Nursing Council.*—(1) For the purposes of this Act, there shall be established a General Nursing Council for England and Wales (in this Act referred to as "the Council"), which shall be a body corporate by that name with perpetual succession and a common seal with power to acquire and hold land without licence in mortmain.

(2) The Council shall be constituted in accordance with the provisions contained in the Schedule to this Act.

(3) The seal of the Council shall be authenticated in the prescribed manner and any document purporting to be sealed with the said seal so authenticated shall be receivable in evidence of the particulars stated in that document.

2. *Register of nurses.*—(1) It shall be the duty of the Council to form and keep a register of nurses for the sick (in this Act referred to as "the register") subject to and in accordance with the provisions of this Act.

(2) The register shall consist of the following parts :—

(a) a general part containing the names of all nurses who satisfy the conditions of admission to that part of the register;

(b) a supplementary part containing the names of male nurses;

(c) a supplementary part containing the names of nurses trained in the nursing and care of persons suffering from mental diseases;

(d) a supplementary part containing the names of nurses trained in the nursing of sick children;

(e) any other prescribed part.

Where any person satisfies the conditions of admission to any supplementary or prescribed part of the register, his name may be included in that part of the register notwithstanding that it is also included in the general part.

(3) A certificate under the seal of the Council duly authenticated in the prescribed manner stating that any person is, or was at any date, or is not, or was not at any date, duly registered under this Act shall be conclusive evidence in all courts of law of the fact stated in the certificate.

(4) Any reference in this Act to the register shall, unless the context otherwise requires, be deemed to include a reference to any part

of the register, and the expression "registered" shall be construed accordingly.

3. *Rules.*—(1) The Council shall make rules for the following purposes :—

(a) for regulating the formation, maintenance and publication of the register;

(b) for regulating the conditions of admission to the register;

(c) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register, and any matters ancillary to or connected with any such examinations;

(d) for prescribing the causes for which, the conditions under which, and the manner in which nurses may be removed from the register, the procedure for the restoration to the register of nurses who have been removed therefrom, and the fee to be payable on such restoration;

(e) for regulating the summoning of meetings of the Council and the proceedings (including quorum) of the Council;

(f) for enabling the Council to constitute committees and for authorising the delegation to committees of any of the powers of the Council, and for regulating the proceedings (including quorum) of committees;

(g) generally for making provision with respect to any matters with respect to which the Council think that provision should be made for the purpose of carrying this Act into effect (including provision with respect to the issue of certificates to nurses registered under this Act and with respect to the uniform or badge which may be worn by nurses so registered), and for prescribing anything which under this Act is to be prescribed.

(2) Rules under this section shall contain provisions :—

(a) requiring as a condition of the admission of any person to the register that that person shall have undergone the prescribed training, and shall possess the prescribed experience, in the nursing of the sick; and

(b) requiring that the prescribed training shall be carried out either in an institution approved by the Council in that behalf or in the service of the Admiralty, the Army Council, or the Air Council; and

(c) enabling persons who, within a period of two years after the date on which the rules to be made under the provisions of this paragraph first come into operation, make an application "in that behalf (in this Act referred to as "an existing nurse's application"), to be admitted to the register on producing evidence to the satisfaction of the Council that they are of good character, are of the prescribed age, are persons who were for at least three years before the first day of November, nineteen hundred and nineteen, *bona fide* engaged in practice as nurses in attendance on the sick under conditions which appear to the Council to be satisfactory for the purposes of this provision and have adequate knowledge and experience of the nursing of the sick.

(3) Rules made under this section shall not come into operation unless and until they are approved by the Minister of Health.

(4) Every rule made under this section shall be laid before each House of Parliament forthwith, and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such rule is laid before it praying that the rule may be annulled or modified, His Majesty in Council may annul or modify the rule, and, if annulled, it shall thenceforth be void, and, if modified, it shall thenceforth have effect as so modified, but without prejudice to the validity of anything previously done thereunder.

4. *Staff and expenses.*—(1) The Council may, with the previous sanction of the Minister of Health, appoint a person to act as registrar of the Council, and may, subject to the consent of the Minister as to numbers, employ such other officers as the Council consider necessary.

(2) There shall be paid to the registrar and the officers of the Council such salaries or remuneration as the Council with the approval of the Minister of Health may from time to time determine.

(3) Any expenses incurred by the Council in carrying this Act into effect, including expenses in connection with examinations or prosecutions under this Act and, subject as hereinafter provided, the travelling expenses of and sums paid on account of subsistence allowance to members of the Council, shall be defrayed out of the sums received by the Council by way of fees under this Act:

Provided that the amount to be allowed to members of the Council in respect of travelling expenses and subsistence allowance shall be calculated in accordance with directions to be given by the Minister of Health.

(4) The accounts of the Council shall be audited in such manner, and by such person, as the Minister of Health may from time to time direct, and copies of the accounts, and of any report made on the accounts, shall be transmitted by the Council to such persons as the Minister may direct.

5. *Fees.*—(1) There shall be paid to the Council in respect of every application to be examined or to be registered under this Act, and in respect of the retention in any year of the name of any person on the register, such fees respectively as the Council may, with the approval of the Minister of Health, from time to time determine:

Provided that—

(a) in the case of an existing nurse's application the amount of the fee payable on the application shall be such sum, not exceed,

ing one guinea, as the Council, with such approval as aforesaid, may determine; and

(b) the amount of the fee payable in respect of the retention in any year of the name of any person on the register shall not exceed two shillings and sixpence.

(2) The Council may charge for any certificate or other document issued, or in respect of any services performed, by them, such fees as may be prescribed.

**6. Admission to register of persons trained outside United Kingdom.**—(1) Any person who proves to the satisfaction of the Council that he has been registered either generally as a nurse for the sick or as a nurse of some special class in any part of His Majesty's dominions outside the United Kingdom, being a part of those dominions to which this section applies, shall be entitled, on making an application in the prescribed manner and paying such fee, not being greater than the fee payable on ordinary applications for registration under this Act, as the Council may demand, to be registered in a corresponding manner under this Act.

(2) This section applies to any part of His Majesty's dominions as respects which the Council are satisfied—

(a) that there is in force therein an enactment, or a provision of any kind having the force of law, providing for the registration of nurses under some public authority;

(b) that persons registered under this Act are admitted to the register established under the said enactment or provision on terms not less favourable than those contained in sub-section (1) of this section; and

(c) that the standard of training and examination required for admission to the register of nurses established under the said enactment or provision is not lower than the standard of training and examination required under this Act.

(3) In the event of provision being hereafter made for the establishment of a register of nurses in Scotland or Ireland, the Council shall make rules under this Act enabling persons registered as nurses in Scotland or Ireland, as the case may be, to obtain admission to the register of nurses established under this Act; and, with a view to securing a uniform standard of qualification in all parts of the United Kingdom, the Council shall, before making any rules under this Act with respect to the conditions of admission to the register, consult with any Nursing Councils which may be established by Parliament for Scotland and Ireland respectively.

**7. Appeal against removal from register, and against refusal to approve institution.**—(1) Any person aggrieved by the removal of his name from the register may, within three months after the date on which notice is given to him by the Council that his name has been so removed, appeal against the removal in manner provided by rules of court to the High Court, and on any such appeal the High Court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal, and the order of the High Court shall be final and conclusive and not subject to an appeal to any other court.

(2) Any person aggrieved by the refusal of the Council to approve any institution for the purpose of the rules under this Act relating to training may appeal against the refusal to the Minister of Health, and the Minister, after considering the matter, shall give such directions therein as he thinks proper, and the Council shall comply with any directions so given.

**8. Penalties for unlawful assumption of title of registered nurse and for falsification of register.**—(1) Any person who—

(a) not being a person duly registered under this Act, at any time after the expiration of three months from the date on which the Minister of Health gives public notice that a register of nurses has been compiled under this Act, takes or uses the name or title of registered nurse, either alone or in combination with any other words or letters, or any name, title, addition, description, uniform, or badge, implying that he is registered under this Act or is recognised by law as a registered nurse; or

(b) being a person whose name is included in any part of the register, at any time after the expiration of the period aforesaid takes or uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his name is included in some other part of the register; or

(c) at any time with intent to deceive makes use of any certificate of registration as a nurse issued under this Act to him or any other person,

shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and in the case of a second or any subsequent offence fifty pounds.

(2) If any person wilfully makes, or causes to be made, any falsification in any matter relating to the register, he shall be guilty of a misdemeanour and shall, on conviction thereof, be liable to a fine not exceeding one hundred pounds.

**9. Extent and short title.**—(1) This Act shall not extend to Scotland or Ireland.

(2) This Act may be cited as the Nurses Registration Act, 1919.

## SCHEDULE.

### [Section 1.]

#### CONSTITUTION OF COUNCIL.

1. The Council shall consist of twenty-five members.

2. On its first constitution the Council shall be composed of the following persons, namely:—

Two persons, who shall not be registered medical practitioners, or nurses, or persons concerned with the regular direction or provision of the services of nurses, appointed by the Privy Council:

Two persons appointed by the Board of Education:

Five persons appointed by the Minister of Health, after consultation with persons and bodies having special knowledge and experience of training schools for nurses, of the work of matrons of hospitals, of general and special nursing services, and of general and special medical practice:

Sixteen persons, who are or have at some time been nurses actually engaged in rendering services in direct connexion with the nursing of the sick, appointed by the Minister of Health after consultation with the Central Committee for the State Registration of Nurses, the College of Nursing, the Royal British Nurses Association, and such other associations or organised bodies of nurses or matrons as represent to the Minister that they desire to be consulted in the matter.

The Minister, in making appointments under this provision, shall have regard to the desirability of including in the Council persons having experience in the various forms of nursing.

3. The first members of the Council shall hold office for such term, not less than two years and not exceeding three years from the commencement of this Act, as the Minister of Health may determine.

4. After the expiration of the term of office of the first members of the Council, the Council shall be composed of nine persons appointed respectively by the Privy Council, the Board of Education, and the Minister of Health as aforesaid, and of sixteen persons, being persons registered as nurses under this Act, elected in accordance with the prescribed scheme and in the prescribed manner by the persons so registered at the date of election.

5. Any members of the Council other than the first members thereof shall hold office for a term of five years.

6. If the place of a member of the Council becomes vacant before the expiration of his term of office whether by death, resignation, or otherwise, the vacancy shall be filled by appointment by the body or persons by whom the member was appointed, or if the vacating member was an elected member by the Council.

The Council in co-opting a member under the foregoing provision shall, so far as practicable, select a person, being a person registered as a nurse under this Act, who is representative of the same interests as those represented by the vacating member.

Any person appointed or elected to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed or elected would have held office.

7. Any member ceasing to be a member of the Council shall be eligible for re-appointment or re-election.

8. The powers of the Council may be exercised notwithstanding any vacancy in their number.

## CHAPTER 95.

### NURSES REGISTRATION (SCOTLAND) ACT, 1919.

An Act to provide for the Registration in Scotland of Nurses for the Sick. [23rd December 1919.]

## CHAPTER 96.

### NURSES REGISTRATION (IRELAND) ACT, 1919.

An Act to provide for the Registration of Nurses in Ireland. [23rd December 1919.]

## CHAPTER 97.

### LAND SETTLEMENT (SCOTLAND) ACT, 1919.

An Act to make further provision for the acquisition of land for the purposes of Small Holdings, Reclamation, and Drainage, and other purposes relating to Agriculture in Scotland, to amend the Small Landholders (Scotland) Act, 1911, and the enactments relating to Allotments, and otherwise to facilitate land settlement in Scotland. [23rd December 1919.]

## CHAPTER 98.

### UNION OF BENEFICES ACT, 1919.

An Act relating to the Union of Benefices. [23rd December 1919.]

Be it enacted, &c.:

1. Bishop on request of Ecclesiastical Commissioners to issue commission as to union of neighbouring benefices.—Whenever it shall appear to the Ecclesiastical Commissioners, whether on their own



motion or any representation made to them, that inquiry ought to be made as to the desirability of uniting two or more benefices, or one or more benefice or benefices, and one or more sinecure or sinecures, being either in the same parish or neighbouring to each other, they may address a request to the Bishop of the diocese, in which that one of those benefices which has the largest population shall be situate, to cause a commission to be issued under his hand and seal addressed to the persons to be nominated as in the next section mentioned, authorising and requiring them to inquire and report to him whether such union may, with advantage to the interests of religion, be made, and to inquire into and report on all such matters in anywise affecting such union, or connected therewith, as they may deem necessary, and to recommend terms for effecting any union in favour of which they report, including the regulation of the course and succession in which the patrons (if there be more than one patron) shall present or nominate to the united benefice from time to time as the same shall become vacant. The Bishop shall thereupon issue the commission, and the commissioners shall thereupon make a local inquiry in the prescribed manner as to the matters referred to them.

**2. Commission, how to be nominated.**—(1) Of the commissioners one shall be nominated by the Bishop of the diocese in which the benefice or benefices, and sinecure or sinecures (if any) affected by the proposed inquiry are situate, or in case the benefices are situate in more than one diocese then jointly by the Bishops of those dioceses; one shall be nominated by the patron or, if there shall be more than one patron, jointly by the patrons of the benefice or benefices and sinecure or sinecures affected; one shall be nominated by the churchwardens (if any) of the benefice or benefices affected or by the major part of them; and the remaining commissioner (who shall act as chairman and shall have a casting vote in addition to his vote as a commissioner) shall be nominated by the Ecclesiastical Commissioners.

*Proviso.*—(2) Provided that, if the Bishop of the diocese in which any benefice or sinecure affected by the proposed inquiry is situate shall also be the sole patron of that benefice or sinecure, the right of nomination by the Bishop in his capacity of patron shall be exercised by the patron or patrons of the other benefice or benefices affected.

(3) Provided also that, if the Bishop of the diocese in which each of the benefices or sinecures affected is situate shall be the sole patron of that benefice or sinecure, there shall be no commissioner nominated by the patrons.

(4) If for a period of thirty days after being requested in writing by the Bishop to nominate a commissioner the patron or patrons or the churchwardens or the major part of them shall refuse or neglect so to do, his or their right of nomination shall lapse, and the commission shall be issued and shall be valid for all purposes notwithstanding any such lapse.

**3. Power to Lord Chancellor to make rules.**—The Lord Chancellor, with the advice and assistance of the Ecclesiastical Commissioners, may make rules for prescribing anything which under this Act is to be prescribed and in particular for—

(i) regulating the place and time of the sittings of the commissioners, and as to the quorum necessary;

(ii) the taking of evidence, and hearing by the commissioners of objections;

(iii) the notices (if any) to be given of their sittings to the incumbents, patrons, churchwardens or other persons interested, and the service of such notices;

(iv) the filling of vacancies in the number of commissioners, and the time within which the commissioners are to make their report;

(v) the payments (if any) to be made towards the costs and expenses incurred in the matter by any Bishop or by the Ecclesiastical Commissioners, or by the commissioners or the persons appearing before them;

(vi) the registration and inspection in the diocesan registries or elsewhere of Orders in Council made under this Act;

(vii) the fees to be paid to diocesan or other officials; and

(viii) generally as to all matters and things incidental to or connected with the holding of local inquiries, appeals to His Majesty in Council, and the publication or registration of draft schemes, schemes, or orders made under this Act.

**4. Bishop to transmit report of commissioners to Ecclesiastical Commissioners who are to propose scheme.**—(a) The Bishop receiving a report under this Act shall cause the same, or a copy thereof, to be transmitted to the Ecclesiastical Commissioners, who shall, if the Commissioners making the report shall unanimously or by a majority of votes recommend a union, and if the Bishop of the diocese or the Bishops of the dioceses affected shall signify in writing his or their approval of the report, but not otherwise, cause to be prepared a scheme based upon the terms recommended for effecting the proposed union, which scheme may, with the assent of the Bishop of the diocese or the Bishops of the dioceses affected, embody any modification of the proposals.

(b) *Draft scheme to be published locally. Objections.*—Drafts of such proposed scheme shall be published locally in the prescribed manner, and also be transmitted in the prescribed manner to the patron or patrons affected, together with a notice in each case requiring any objections to such draft scheme to be stated or transmitted in writing to the Ecclesiastical Commissioners within the prescribed time.

(c) *Ecclesiastical Commissioners to certify final scheme to the King*

*in Council.*—After giving full consideration to such objections (if any), and after making such alterations (if any) in the draft scheme as, having regard to such objections, they shall deem right, and after submitting such alterations (if any) to the Bishop of the diocese or the Bishops of the dioceses affected, and obtaining his or their consent thereto in writing, the Ecclesiastical Commissioners (unless, after full consideration, they shall think it advisable to withdraw the scheme) shall certify the scheme, and the consent thereto in writing of the Bishop of the diocese or the Bishops of the dioceses affected, to His Majesty in Council.

**5. Appeals to His Majesty in Council.**—(1) After the scheme and consent shall have been certified as aforesaid public notice of such certification shall be given in the prescribed manner and within the prescribed time, and any person who has, in accordance with this Act, made objection to the draft scheme may appeal to His Majesty in Council against the scheme, or any part thereof.

(2) If no appeal is so made within the period of one month after the date of the said public notice, it shall be lawful for His Majesty in Council to make and issue any order or orders for affirming the scheme, and for uniting the benefices and parishes proposed to be united to the extent and for the purposes recommended in the scheme.

(3) If any appeal is so made, His Majesty in Council may order and direct that such appeal shall be heard by the Judicial Committee of the Privy Council and the said Judicial Committee shall make report to His Majesty in Council thereupon and may propose to His Majesty in Council to affirm, vary, or dismiss the scheme certified by the Ecclesiastical Commissioners or to return the same to the Ecclesiastical Commissioners for alteration or amendment and His Majesty may affirm, vary, or dismiss the scheme accordingly or return the same to the Ecclesiastical Commissioners to be reconsidered as to any parts thereof.

**6. Scheme to determine whether or not parishes shall remain distinct.**—Every scheme under this Act for the union of any benefices shall recommend that the benefices proposed to be united shall become permanently united together and form one benefice with cure of souls, and either (a) that the parishes or places of which the benefices proposed to be united shall consist shall be united into one parish for ecclesiastical purposes and for such other purposes as in this Act provided, or (b) that such parishes or places shall continue distinct in all respects except as provided by this Act. Every such scheme, if the united benefice shall be in more than one diocese, shall determine to which diocese the united benefice shall belong.

**7. Parsonage house of united benefice.**—Every scheme under this Act for the formation of an united benefice, if more than one parsonage house shall be left standing or remaining within or belonging to the united benefice, shall determine which house shall be the parsonage house of the united benefice, but, if only one parsonage house shall be left standing, such house shall be the parsonage house of the united benefice.

**8. Parish church of united parish.**—Every scheme under this Act for the formation of an united parish shall, if more than one church shall be left standing or remaining within the united parish, also determine which church shall be the parish church, but, if only one church shall be left standing, such church shall be the parish church of the united parish.

**9. Union of Benefices Acts Amendment Act, 1871, to apply to church and churchyard of benefice united under this Act.**—After completion of an union of benefices the Union of Benefices Act Amendment Act, 1871 [34 & 35 Vict. c. 90], shall apply to the united benefice as regards any church within the united benefice not directed by the scheme to be pulled down, and the churchyard of any such church.

**10. Scheme to define contingency on which union is to take effect and may contain provisions as to appointments of incumbents pending union.**—(1) In any scheme for union prepared under this Act the Ecclesiastical Commissioners shall define the event or contingency on the happening of which the union is to take effect, but not so as to postpone the union later than the date of the first avoidance of that one of the benefice or benefices, sinecure or sinecures, proposed to be united which shall last be avoided after the publication of the order or orders in the London Gazette relating to the same.

(2) The Ecclesiastical Commissioners may, if they think fit, insert in the scheme provisions requiring that in any case in which the benefice or benefices and sinecure or sinecures (if any) proposed to be united are not at the date of the registration of such order or orders all held by the same incumbent, then on any avoidance before the happening of the event, or contingency, the patron of the vacant benefice or sinecure shall be bound to present, or nominate, and the Bishop shall be bound to admit and institute, or license to the vacant benefice or sinecure, the incumbent of the other, or one of the other benefices, sinecure or sinecures, proposed to be united.

**11. Ecclesiastical Commissioners may decide doubtful questions of patronage.**—If in any case it shall, in the opinion of the Ecclesiastical Commissioners, be doubtful what person or corporation is the patron for the purposes of this Act, it shall be lawful for the Ecclesiastical Commissioners to decide the question, and their decision shall be conclusive.

**12. Supplemental schemes for uniting parishes of united benefices.**—(1) If after an union of benefices, whether made under this Act or

not, it shall appear desirable to the Ecclesiastical Commissioners, whether on their own motion or on any representation made to them—

(a) that in the case of an united benefice, of which the parishes shall not have been united, those parishes, or any two of them, should be united for ecclesiastical purposes, and for such other purposes as in this Act provided; or

(b) that in the case of an united benefice, of which the parishes shall have been united, some other church situate within the united benefice shall be substituted for the parish church of the united parish; or

(c) that in the case of an united benefice, of which the parishes shall not have been united, some other church situate within any parish forming part of the united benefice shall be substituted for the parish church of that parish,

they may request the Bishop of the diocese in which the united benefice shall be situate to cause a commission to be issued to commissioners to inquire into and report upon the desirability of those parishes being so united, or such substitution being made, as the case may be, and upon all matters arising from any union of parishes or substitution of a church which they may recommend.

(2) The Bishop shall thereupon issue the commission to commissioners appointed in like manner as commissioners nominated or appointed to inquire into and report upon a proposed union of benefices under this Act, and the same consequences, *mutatis mutandis*, as to the inquiry and report by such commissioners, the preparation, publication, and certification to His Majesty in Council of a scheme to give effect to the report, the issuing of an Order or Orders by His Majesty in Council, and the registration and validity thereof shall follow as in the case of commissioners having been appointed under this Act to inquire into and report upon a proposed union of benefices.

13. *Administration of expenses fund.*—(1) In administering the fund to be provided by the Ecclesiastical Commissioners for expenses under this Act, the Ecclesiastical Commissioners shall cause a separate account to be kept for each diocese, and all moneys received for or appropriated to the said fund shall be credited to the account of the diocese in which the benefice or sinecure from the property or revenues of which such moneys arise shall be situate, and the moneys so credited to the account of any diocese shall not be applicable to the payment of any expenses except expenses incurred or to be incurred in relation to proposals and schemes affecting benefices or sinecures in that diocese.

(2) After providing and appropriating to the credit of any diocese a fund sufficient in their opinion to meet all expenses already incurred or to be incurred under this Act in relation to that diocese, the Ecclesiastical Commissioners shall, with the consent in writing of the Bishop, apply the surplus of the moneys so set apart for the benefit of any benefice or benefices in that diocese to whose benefit the Ecclesiastical Commissioners may with such consent think fit to apply the same.

(3) In case at any time, or from time to time, the moneys standing to the credit of a diocese under this section shall not be sufficient to pay the expenses incurred in relation to a proposal or scheme affecting a benefice or sinecure in that diocese, the Ecclesiastical Commissioners may, if they think fit, pay such expenses, or any part thereof, out of their common fund.

14. *Bishop may give direction as to services in church not being parish church.*—It shall be lawful for the Bishop from time to time to direct that services shall or shall not be held in any church in a benefice united under this Act or otherwise not being a parish church.

15. *Bishop may require nomination of curate.*—In any case in which the affirmed scheme shall recommend the appointment of a curate to assist in performing the duties of the united benefice, the Bishop shall have the like powers of requiring the nomination of and of appointing and licensing a curate, and of assigning a stipend to such curate as he would have under section thirteen of the Pluralities Act Amendment Act, 1885 [48 & 49 Vict. c. 54], in the cases therein mentioned, subject nevertheless to the like right of appeal as is provided under that section, but without regard to the annual value or population of the united benefice.

16. *Repeals.*—Sections sixteen to twenty (inclusive) of the Pluralities Act, 1838 [1 & 2 Vict. c. 106], are hereby repealed, but this repeal shall not affect any proposed union in respect of which a statement of facts or copy representation shall, before the passing of this Act, have been published pursuant to section sixteen of the Pluralities Act, 1838, nor any future union under the last-mentioned Act of any benefice or sinecure situate in the metropolis within the meaning of the Union of Benefices Act, 1860 [23 & 24 Vict. c. 142], with any benefice or sinecure situate outside the metropolis.

17. *Incorporation of certain enactments.*—The sections of the Acts specified in the first column of the Schedule to this Act, of which the numbers and marginal notes are respectively set forth in the second and third column of that schedule, are hereby incorporated with and form part of this Act, and the said sections shall, so far as applicable, extend and apply to unions of benefices under this Act as fully and effectually as if such sections had been re-enacted subject to the modifications set out in the fourth column of that schedule.

18. *Definitions.*—In this Act, unless the context otherwise requires:—

The expression "benefice" shall be understood and taken to mean benefice with cure of souls and no other, and shall com-

prehend all parishes, perpetual curacies, endowed public chapels, parochial chapelries, and chapelries or districts belonging to or reputed to belong or annexed or reputed to be annexed to any church or chapel, anything in any other Act to the contrary notwithstanding;

The expression "sinecure" means a spiritual sinecure, rectory or vicarage;

The expression "union of benefices" means an union of two or more benefices, or of one or more benefice or benefices, and one or more sinecure or sinecures under this Act, whether or not the parishes or places to which such benefices belong shall be united, and the expression "united benefice" has a corresponding meaning;

The expression "united parish" means the parishes or places which in consequence of an union of benefices shall have become united for ecclesiastical purposes under this Act;

The expression "the commissioners" means the commissioners nominated under this Act;

The expression "patron," with reference to any benefice or sinecure, has the same meaning *mutatis mutandis* as in the Ecclesiastical Dilapidations Act, 1871 [34 & 35 Vict. c. 43], but so that the word "present" in section three of that Act shall be read as meaning "present or nominate";

The expression "Bishop," in relation to the diocese of an Archbishop, includes the Archbishop;

The expression "prescribed" means prescribed by rules made in pursuance of this Act.

19. *Benefices not to be united except under Act.*—From and after the passing of this Act it shall not be lawful to unite two or more benefices into one benefice in any other manner than is herein-before provided, but nothing in this Act shall affect any union to be made under the powers of any Act applying only to a particular locality or to particular localities.

20. *Short title and extent.*—(1) This Act may be cited as the Union of Benefices Act, 1919.

(2) Nothing in this Act shall affect or apply to any benefice or sinecure situate in the metropolis within the meaning of the Union of Benefices Act, 1860.

(3) No commission shall be issued under this Act after the thirty-first day of December nineteen hundred and twenty-one.

#### SCHEDULE.

[Section 17.]

#### ENACTMENTS INCORPORATED.

Act.	Section.	Marginal Note.	Modification.
Union of Benefices Act, 1860.	10	Part of a benefice or united benefice may be severed and included in scheme.	The words "And whenever in this Act" and remainder of section following those words shall be omitted, and there shall be substituted "the patron of any benefice of which it is proposed to sever a portion under this Act shall have the like right of nominating or joining in the nomination of one of the commissioners as he would have had if the entire benefice were the subject of an inquiry under this Act."
	11	Surplus revenue of united benefice may be annexed as an endowment to any other benefice in the Metropolis or its vicinity.	For "benefices" wherever that word occurs, there shall be substituted "benefice or benefices, sinecure or sinecures." For "specified benefice in the Metropolis or in the vicinity thereof" there shall be substituted "benefice in the same diocese as the benefice or benefices, sinecure or sinecures, to which the endowments to be charged or transferred shall belong." The words "of the vestries of the parishes to be affected thereby and" shall be omitted.



Act.	Section.	Marginal Note.	Modification.
Union of Benefices Act, 1860— <i>cont.</i>			After "the diocese" there shall be inserted "or the bishops of the dioceses." The words "Provided that the amount" and the remainder of the section following those words shall be omitted.
	13	Orders in Council to be published in the "Gazette" and registered, and to have force of law.	After "diocese" there shall be inserted "to which the united benefice shall be determined to belong."
	14	Scheme may provide for erection of new church or parsonage, removal of old church or parsonage, sale of site, &c.	For "church of the united benefice" there shall be substituted "church of the united parish, or one of the churches of the united benefice in case the same shall not be an united parish." The words "provided always" and the remainder of the section following those words shall be omitted, and the following words shall be inserted: "Provided that no scheme made under this Act shall authorize the pulling down of any church not being situate within a city or municipal borough."
	15	Schemes to be laid before Parliament.	After "Provided always that" there shall be inserted "in case one or more of the benefices to be united shall be situated in a city or municipal borough."
	17	Site of church not to be sold or let without certain consents. Removal of remains of persons interred and of monuments.	After "churchwardens of the united parish" there shall be inserted "or if the parishes shall not be united of one of the churchwardens of the church to be pulled down." After "church to be constituted the church of the united parishes" there shall be inserted "or if the parishes shall not be united, the other church, or if there shall be more than one other church, one of the other churches, of the united benefice."
	20	Estates, &c., of parishes united to remain distinct as before union, except as affected by this Act, &c.	
	21	Property belonging to separate parishes how to be applied.	After "except that" there shall be inserted "in the case of an united parish."
	22	Fund for payment of expenses of carrying Act into execution.	After "they shall" there shall be inserted "in respect of each diocese."

Act.	Section.	Marginal Note.	Modification.
Union of Benefices Act, 1860— <i>cont.</i>			After "scheme and order under this Act" there shall be inserted "affecting a benefice or sinecure in that diocese." After "the whole or such portion" there shall be inserted "if any." The expression "they may think proper" shall be substituted for the expression "they may think sufficient." After "all the proposals and schemes" there shall be omitted "for the union of benefices," and there shall be inserted "affecting any benefice or sinecure in that diocese." After "proposed union" there shall be omitted "of benefices," and there shall be inserted "affecting any benefice or sinecure in that diocese." The words "And after providing a sufficient fund" and the remainder of the section following those words shall be omitted.
	23	Scheme to be valid, notwithstanding informalities or omissions.	
	25	Supplemental orders may be made.	
	26	Bishop may prepare a scheme as to lectures customarily preached in churches which may be pulled down, &c.	The words "and by the vestries of the parishes affected thereby" shall be omitted wherever those words occur.
	27	Bishop of diocese may direct churches to be recreated, &c.	For "in the city or town" there shall be substituted "in the neighbourhood."
	28	Appropriation of seats in church of united parish	After "union of benefices" there shall be inserted "in which the parishes shall be united."
	29	Property to be sold shall vest in Ecclesiastical Commissioners and church of united parish in incumbent.	
	30	Disunion of united benefices, 1 & 2 Vict. c. 106.	
	4	Site of disused church to be preserved. Burials.	

Union of Benefices Acts Amendment Act, 1871.

## CHAPTER 99.

## HOUSING (ADDITIONAL POWERS) ACT, 1919.

An Act to make further provision for the better housing of the people, to authorise the acquisition of land for the development of garden cities or for the purposes of town planning schemes, and to make further provision with respect to the borrowing powers of public authorities and bodies and with respect to the securities issued by them.

[23rd December, 1919.]

Be it enacted, &c. :-

1. *Provision for payment of money to persons constructing houses.*]

(1) Subject to the provisions of this Act, the Minister of Health (in this Act referred to as "the Minister") may, in accordance with schemes made by him with the approval of the Treasury, make grants out of moneys provided by Parliament to any persons or bodies of persons constructing houses.

(2) Grants under this section shall be made only in respect of houses—

(a) which comply with the conditions prescribed by the Minister and are in material accordance with the conditions as to the number of houses per acre and the standards of structural stability and sanitation approved by the Minister in the case of any scheme submitted by a local authority under section one of the Housing, Town Planning, &c., Act, 1919 [9 & 10 Geo. 5. c. 35];

(b) which are certified by the local authority of the area in which the houses are situate, or on appeal by the Minister, to have been completed in a proper and workmanlike manner;

(c) the construction of which is begun within twelve months after the passing of this Act and which are completed within that period or such further period not exceeding four months as the Minister may in any special case allow:

Provided that a proportionate reduction of the grant shall be made in respect of any house which is not completed within the said period of twelve months unless the Minister is satisfied that the failure to complete the house within that period was due to circumstances over which the person constructing the house had no control.

Any person aggrieved by the refusal or neglect of a local authority to grant a certificate under this subsection in respect of any house may appeal to the Minister, and, if the Minister is satisfied that the house has been completed in a proper and workmanlike manner, he shall certify accordingly.

(3) In so far as the provisions of any building byelaws are inconsistent with the conditions prescribed by the Minister under this section, those provisions shall not apply in respect of any houses which comply with those conditions:

Provided that, as regards the administrative county of London, the Minister shall not prescribe any conditions inconsistent with the provisions of any building byelaws in force in the county except after consultation with the London County Council on the general question of the relaxation of such provisions in connexion with the construction of houses under this Act.

In this Act the expression "building byelaws" has the same meaning as in Part I. of the Housing, Town Planning, &c., Act, 1919.

2. *Aggregate amount of grants.*—(1) The aggregate amount of the grants to be made for the purposes of the preceding section of this Act shall not exceed fifteen million pounds.

(2) A grant shall not be made under the preceding section of this Act in respect of any house in respect of which any payment out of moneys provided by Parliament may be made under section seven or section nineteen of the Housing, Town Planning, &c., Act, 1919, and a payment shall not be made under those sections in respect of any house in respect of which a grant has been made under the preceding section of this Act.

3. *Provision as to expenses under s. 16 of 9 & 10 Geo. 5. c. 35.*—(1) Any expenses incurred by the Minister under section sixteen of the Housing, Town Planning, &c., Act, 1919, in connexion with the conversion of buildings into separate tenements shall, subject as hereinafter provided, be paid out of moneys provided by Parliament:

Provided that such part of any such expenses as would have been borne by the local authority if they had been expenses incurred in carrying out a scheme to which section seven of the said Act applies shall be payable by that authority and shall be recoverable from that authority as a debt due to the Crown, and the certificate of the Minister as to the part of the expenses to be borne by the local authority shall be conclusive.

(2) The provision of money for the payment of any amounts payable by a local authority under this section shall be a purpose for which the authority may borrow under Part III. of the Housing of the Working Classes Act, 1890 [53 & 54 Vict. c. 70].

(3) The Minister may make orders containing such provisions with regard to the vesting in the local authority of any buildings converted into separate tenements under the provisions of the said section sixteen and such consequential and supplemental provisions as the Minister may think necessary, and any order so made shall be binding on the local authority.

4. *Amendment of s. 7 and s. 19 of 9 & 10 Geo. 5. c. 35. with respect to amount of annual payments.*—Section seven of the Housing, Town Planning, &c., Act, 1919 (which provides for the recoupment out of moneys provided by Parliament of losses incurred in connexion with

certain schemes), and section nineteen of that Act (which provides for the contributions out of moneys provided by Parliament towards costs incurred by public utility societies and housing trusts) shall respectively have effect as though for the words "equivalent to thirty per centum of the annual loan charges," where they occur in each of those sections, there were substituted the words "equivalent during the period ending on the thirty-first day of March nineteen hundred and twenty-seven, to fifty per centum and thereafter to thirty per centum of the annual loan charges."

5. *Prohibition of building operations which interfere with provision of dwelling-houses.*—(1) Where it appears to a local authority that the provision of dwelling accommodation for their area is or is likely to be delayed by a deficiency of labour or materials arising out of the employment of labour or material in the construction within their area of any works or buildings (other than works or buildings authorised or required by, under, or in pursuance of any Act of Parliament), and that the construction of those works or buildings is in the circumstances of the case of less public importance for the time being than the provision of dwelling accommodation, the authority may by order prohibit for such time and on such terms and subject to such conditions as the Minister may from time to time prescribe, and either in whole or in part, the construction of those works or buildings.

(2) Any person aggrieved by an order made by a local authority under this section may, subject to rules of procedure to be made by the Minister, appeal to the Minister, and on any such appeal the Minister shall refer all such cases to a standing tribunal of appeal, consisting of five persons, to be appointed by the Minister, which shall have power either to annul the order or to make such order in the matter as the local authority could have made, and the decision of the tribunal of appeal in the matter shall be final and not subject to appeal to or review by any court.

(3) Where any appeal against an order made under this section is not finally determined within fourteen days after the date on which notice of appeal against the order was given, the operation of the order shall be suspended as from the expiration of the said fourteen days until the appeal has been finally determined.

(4) If any person acts in contravention of or fails to comply with any of the provisions of an order made under this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, if the offence is a continuing offence, to a fine not exceeding fifty pounds for each day during which the offence continues, and, where the person guilty of an offence under this section is a company, every director and officer of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his consent or connivance.

(5) In any action or proceedings for breach of a contract to construct any works or buildings, it shall be a good defence to the action or proceedings to prove that the non-fulfilment of the contract was due to compliance with an order made under this section.

(6) In this section the expression "construction of any works or buildings" includes the making of alterations or additions to existing works or buildings.

(7) Any rules of procedure made by the Minister under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

6. *Prohibition on demolition of dwelling-houses.*—(1) If any person at any time after the third day of December, nineteen hundred and nineteen, without the permission in writing of the local authority within whose area the house is situate, demolishes, in whole or in part, or uses otherwise than as a dwelling-house any house which was at that date in the opinion of the local authority reasonably fit for human habitation, he shall be liable on summary conviction in respect of each house demolished or so used to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and fine, and, where the person guilty of an offence under this section is a company, every director and officer of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his consent or connivance.

(2) Any person to whom permission to demolish a house has been refused by a local authority under this section, may appeal to the Minister on the ground that the house is not capable without reconstruction of being rendered fit for human habitation, and any such appeal shall be dealt with in the same manner as an appeal under subsection (2) of the preceding section of this Act.

(3) Notwithstanding anything in this section, the permission of the local authority shall not be required in the case of any house the demolition of which is required or authorised by, under, or in pursuance of any Act of Parliament, or which is used otherwise than as a dwelling-house for any statutory purposes or which was occupied and used otherwise than as a dwelling-house before the third day of December, nineteen hundred and nineteen.

In this section the expression "dwelling-house" means a building constructed or adapted to be used wholly or principally for human habitation.

7. *Powers of borrowing for purpose of Housing Acts.*—(1) A local authority (including a county council) may, with the consent of the Minister, borrow any sums which they have power to borrow for the



purposes of the Housing Acts, 1890 to 1919, by the issue of bonds (in this Act referred to as "local bonds") in accordance with the provisions of this Act.

(2) A county council may lend to any local authority within their area any money which that authority have power to borrow for the purposes of the Housing Acts, 1890 to 1919, and may, with the sanction of the Minister and irrespective of any limit of borrowing, raise the money required for the purpose either by the issue of local bonds under this section or by a loan subject to the like conditions and in the like manner as any other loan raised for the purpose of their powers and duties, and subject in either case to any conditions which the Minister may by general or special order impose.

(3) The provisions set out in the Schedule to this Act shall have effect with respect to local bonds.

(4) Where on an application made by two or more local authorities the Minister is satisfied that it is expedient that those authorities should have power to make a joint issue of local bonds, the Minister may by order make such provision as appears to him necessary for the purpose, and any such order shall provide for the securing of the bonds issued upon the joint rates, property and revenues of the authorities.

The provisions of any such order shall have effect as if they were contained in a Provisional Order made under section two hundred and seventy-nine of the Public Health Act, 1875 (38 & 39 Vict. c. 55).

(5) Any local authority by whom any local bonds have been issued may, without the consent of the Minister, borrow for the purpose of redeeming those bonds.

**8. Sub-section (2) of s. 1 of 6 & 7 Geo. 5, c. 69, to be perpetual.**—Sub-section (2) of section one of the Public Authorities and Bodies (Loans) Act, 1916 (which gives power temporarily to certain local authorities to borrow money by means of the issue of securities to bearer and whether within or without the United Kingdom), shall be a permanent enactment, and accordingly the words "during the continuation of the present war and a period of six months thereafter" in that sub-section shall be repealed.

**9. Power of trustees to invest in certain securities issued by local authorities.**—Section one of the Trustee Act, 1893 (56 & 57 Vict. c. 53) (which specifies the securities in which trust funds may be invested), shall have effect as though there were included therein local bonds issued under this Act and mortgages of any fund or rate granted after the passing of this Act under the authority of any Act or Provisional Order by a local authority (including a county council) which is authorised to issue local bonds under this Act.

**10. Acquisition of land for purpose of garden cities or town-planning schemes.**—(1) Where the Minister is satisfied that any local authority (including a county council) or two or more local authorities jointly, or any authorised association, are prepared to purchase and develop any land as a garden city (including a garden suburb or a garden village), or any land in regard to which a town-planning scheme may be made for the purpose of such a scheme for the area in which the land is situate, in accordance with a scheme approved by the Minister, and have funds available for the purpose, he may, with the consent of the Treasury and after consultation with the Board of Trade, the Board of Agriculture and Fisheries, and the Minister of Transport, acquire that land on behalf of the authority or association either by compulsion or by agreement in any case in which it appears to him necessary or expedient so to do for the purpose of securing the development of the land as aforesaid, and may do all such things as may be necessary to vest the land so acquired in the local authority or association.

(2) The provisions of the Housing Acts, 1890 to 1919, relating to the powers of a local authority to acquire land for the purposes of Part III. of the Housing of the Working Classes Act, 1890, shall apply for the purpose of the acquisition of land by the Minister under this section, and the Minister in exercising his powers of acquiring land under this section shall be subject to the same conditions as are applicable to the acquisition of land under the Housing Acts, 1890 to 1919, by a local authority:

Provided that, in the case of an order for the compulsory acquisition of land on behalf of an authorised association, the order shall be laid before each House of Parliament and shall not be confirmed by the Minister unless and until both Houses by resolution have approved the order, nor, if any modifications are agreed to by both Houses, otherwise than as so modified.

(3) A local authority shall have power to acquire land for the purposes of a scheme approved by the Minister under this section, and to develop any land so acquired in accordance with the scheme, and shall have power to borrow, as for the purposes of the Housing Acts, 1890 to 1919, any money required for the purpose of so acquiring or developing any land.

(4) In this section "authorised association" means any society, company or body of persons approved by the Minister whose objects include the promotion, formation, or management of garden cities (including garden suburbs and garden villages), and the erection, improvement, or management of buildings for the working classes and others, which does not trade for profit or whose constitution forbids payment of any interest or dividend at a higher rate than six per centum per annum.

**11. Meaning of local authority.**—In this Act the expression "local authority" means the local authority within the meaning of Part III. of the Housing of the Working Classes Act, 1890 (53 & 54 Vict. c. 70).

Provided that for the purpose of the application of the provisions of this Act (other than those relating to expenses under section sixteen of the Housing, Town Planning, &c., Act, 1919) to the county of London the London County Council shall be the local authority to the exclusion of any other authority, and that in the city of London the London County Council shall be the local authority for the purpose of the certificate as to the completion of houses to be given under the provisions of this Act relating to the payment of money to persons constructing houses.

**12. Execution of Act in county of London.**—For the purpose of securing the proper execution of this Act in the administrative county of London, the London County Council shall have the power to require a district surveyor under the London Building Act, 1894 (57 & 58 Vict. c. cxxii.), to perform within his district such duties as the Council think necessary for that purpose, and the Council may pay to a district surveyor such remuneration as they may determine in respect of any duties performed by him in pursuance of this section.

**13. Application to Scotland.**

**14. Application to Ireland.**

**15. Short title and duration.**—(1) This Act may be cited as the Housing (Additional Powers) Act, 1919.

(2) The provisions of this Act, other than the provisions thereof relating to powers of borrowing for the purpose of the Housing Acts, 1890 to 1919, the Public Authorities and Bodies (Loans) Act, 1916, trustee securities, and the acquisition of land for the purpose of garden cities and town-planning schemes, shall continue in force for two years only from the commencement thereof, and no longer:

Provided that section thirty-eight of the Interpretation Act, 1889 (52 & 53 Vict. c. 63) (which relates to the effect of repeals), shall, in relation to the provisions of this Act which cease to be in force on the expiration of the period aforesaid, apply as if these provisions had been repealed by another Act passed on the date of the expiration of the said period.

## SCHEDULE.

[Section 7.]

### PROVISIONS AS TO LOCAL BONDS.

1. Local bonds shall—

(a) be secured upon all the rates, property and revenues of the local authority;

(b) bear interest at such rate of interest as the Treasury may from time to time fix;

(c) be issued in denominations of five, ten, twenty, fifty, and one hundred pounds and multiples of hundred pounds;

(d) be issued for periods of not less than five years.

2. Local bonds shall be exempt from stamp duty under the Stamp Act, 1891 (54 & 55 Vict. c. 39), and no duty shall be chargeable under section eight of the Finance Act, 1899 (62 & 63 Vict. c. 9), as amended by section ten of the Finance Act, 1907 (7 Edw. 7, c. 13), in respect of the issue of any such bonds.

3. The provisions of section one hundred and fifteen of the Stamp Act, 1891 (which relates to composition for stamp duty), shall, with the necessary adaptations, apply in the case of any local authority by whom local bonds are issued as if those bonds were stock or funded debt of the authority within the meaning of that section.

4. A local authority shall, in the case of any person who is the registered holder of local bonds issued by that authority of a nominal amount not exceeding in the aggregate one hundred pounds, pay the interest on the bonds held by that person without deduction of income tax, but any such interest shall be accounted for and charged to income tax under the third case of Schedule D. in the First Schedule to the Income Tax Act, 1918 (8 & 9 Geo. 5, c. 40), subject, however, to any provision of that Act with respect to exemption or abatement.

5. Local bonds issued by a local authority shall be accepted by that authority at their nominal value in payment of the purchase price of any house erected by or on behalf of any local authority in pursuance of any scheme under the Housing Acts, 1890 to 1919.

6. The Minister may, with the approval of the Treasury, make regulations with respect to the issue (including terms of issue), transfer and redemption of local bonds and the security therefor, and any such regulations may apply, with or without modifications, any provisions of the Local Loans Act, 1875, and the Acts amending that Act, and of any Act relating to securities issued by the London County Council or by any other local or public body.

## CHAPTER 100.

### ELECTRICITY (SUPPLY) ACT, 1919.

An Act to amend the Law with respect to the supply of electricity.

[23rd December, 1919.]

Be it enacted, &c. :—

#### Electricity Commissioners.

**1. Appointment of Electricity Commissioners.**—(1) For promoting, regulating, and supervising the supply of electricity there shall be established as soon as may be after the passing of this Act, a body to be called the Electricity Commissioners, who shall have such powers and duties as are conferred on them by or under this Act, and, subject thereto, shall act under the general directions of the Board of Trade.

(2) The Commissioners, not exceeding five in number, of whom one

shall be chairman, shall be appointed by the Board of Trade: in the case of two of the Commissioners the term of office shall be such as may be fixed by the Board of Trade at the time when the appointment is made; the other Commissioners shall hold office during His Majesty's pleasure.

(3) Three of the Commissioners shall be whole-time officers.

(4) Three of the Commissioners shall be selected for practical, commercial, and scientific knowledge and wide business experience, including that of electrical supply.

(5) A person shall be disqualified for being appointed or being a Commissioner if he has, directly or indirectly, any share or interest in any undertaking for the supply of electricity, otherwise than as a ratepayer in the case of an undertaking of a local authority.

(6) The Commissioners may act by two of their number and notwithstanding a vacancy in their number.

(7) The Electricity Commissioners may appoint a secretary and such inspectors, officers and servants as the Commissioners may determine, and there shall be paid out of the fund hereinafter established to the Commissioners, and to the secretary, inspectors, officers, and servants of the Commissioners, such salaries and remuneration, and on retirement such pensions or gratuities as the Board of Trade may determine, and any expenses incurred by the Commissioners in the exercise and performance of their powers and duties under this Act, shall be defrayed out of the said fund.

(8) Every document or instrument purporting to be an order or instrument issued by the Commissioners, and to be signed by the secretary to the Commissioners, or any person authorized to act on behalf of the secretary, shall be received in evidence, and be deemed to be such order or instrument without further proof unless the contrary is shown.

**2. Exercise of powers through Electricity Commissioners.**—The Board of Trade may exercise through the Electricity Commissioners any of their powers and duties under the Electric Lighting Acts or the orders or regulations made thereunder or under any local Acts relating to the supply of electricity or under any enactment relating to matters incidental to such supply.

**3. Power to conduct experiments.**—The Electricity Commissioners may, either by themselves or through any joint electricity authority established under this Act, or any authorized undertakers, or other competent body, conduct experiments or trials for the improvement of the methods of electric supply or of the utilisation of fuel or water-power, and, subject to the approval of the Board of Trade, incur such expenditure as may be necessary for the purpose.

**4. Advisory Committee.**—The Electricity Commissioners may appoint a committee or committees consisting of chairmen or other members of joint electricity authorities established under this Act, or representatives of authorized undertakers or other specially qualified persons for the purpose of giving to the Commissioners advice and assistance on such matters connected with the general improvement and development of the supply of electricity as may be referred to the committee by the Commissioners, and the Commissioners shall take into consideration any representations which have been made to them by any such committee.

#### Reorganisation of Supply of Electricity.

**5. Electricity districts.**—(1) The Electricity Commissioners may provisionally determine that any district in the United Kingdom shall be constituted a separate electricity district for the purposes of this Act, and, in considering what areas are to be included in a district, areas shall be grouped in such manner as may seem to the Commissioners most conducive to the efficiency and economy of the supply of electricity and to convenience of administration. Before finally determining the area of any such district, the Electricity Commissioners shall publish notice of their intention so to do and of the area proposed to be included in such district, and shall also give notice thereof to all county councils, local authorities, and authorized undertakers any part of whose county district or area of supply is proposed to be included in the electricity district, and, if any objection or representation be made on account of the inclusion in or the exclusion from the proposed district of any area, the Electricity Commissioners shall hold a local inquiry with reference to the area to be included in the proposed district:

Provided that, where a local inquiry is held as hereinafter provided regarding the improvement of the organisation of the supply of electricity in any district, the area of that district shall not be finally determined until after that inquiry has been held.

(2) Where it appears to the Electricity Commissioners with respect to any electricity district so provisionally determined that the existing organisation for the supply of electricity therein should be improved, the Commissioners shall give notice of their intention to hold a local inquiry into the matter, and shall give to authorized undertakers, county councils, local authorities, railway companies using or proposing to use electricity for traction purposes, large consumers of electricity, and other associations or bodies within the district which appear to the Commissioners to be interested, an opportunity to submit, within such time as the Commissioners may allow, a scheme or schemes for effecting such improvement, including proposals for altering or adjusting the boundaries of the district and, where necessary, the formation of a joint electricity authority for the district.

(3) If no such scheme is submitted within the time so allowed, or if no scheme submitted is approved by the Commissioners, the Commissioners may themselves formulate such a scheme.

(4) The Electricity Commissioners shall publish, in such manner as they think best adapted for ensuring publicity, any scheme which they

have approved, with or without modifications, or which they have themselves formulated, and shall hold a local inquiry thereon.

**6. Joint electricity authorities.**—(1) A scheme under the last foregoing section may provide for the establishment and (where desirable) the incorporation with power to hold land without licence in mortmain, of a joint electricity authority representative of authorized undertakers within the electricity district, either with or without the addition of representatives of the council, of any county situate wholly or partly within the electricity district, local authorities, large consumers of electricity, and other interests within the electricity district, and, subject as hereinafter in this Act provided, for the exercise by that authority of all or any of the powers of the authorized undertakers within the electricity district, and for the transfer to the authority of the whole or any part of the undertakings of any of those undertakers, upon such terms as may be provided by the scheme, and the scheme may contain any consequential, incidental, and supplemental provisions which appear to be expedient or proper for the purpose of the scheme, including provisions determining the area included in the electricity district:

Provided that no such scheme shall provide for the transfer to the authority of any part of an undertaking except with the consent of the owners thereof.

(2) The scheme may provide for enabling the joint electricity authority to delegate, with or without restrictions, to committees of the authority any of the powers or duties of the authority, and for the payment out of the revenues of the authority of travelling and subsistence expenses of members of the authority, and reasonable compensation for loss of remunerative time.

**7. Confirmation of schemes.**—(1) The Electricity Commissioners may make an order giving effect to the schemes embodying decisions they arrive at as the result of such inquiry aforesaid, and present the order for confirmation by the Board of Trade, who may confirm the order either without modification or subject to such modifications as they think fit.

(2) Any such order shall be laid, as soon as may be after it is confirmed before each House of Parliament, but shall not come into operation unless and until it has been approved either with or without modification by a resolution passed by each such House, and when so approved shall have effect as if enacted in this Act.

(3) An order made under this section may be altered by a subsequent order made, confirmed, and approved in like manner as the original order.

**8. General powers and duties of joint electricity authorities.**—(1) It shall be the duty of every joint electricity authority constituted under this Act to provide or secure the provision of a cheap and abundant supply of electricity within their district, and for that purpose every such authority shall have such powers and duties as are conferred or imposed upon them by the scheme under which they are constituted or by this Act with respect to—

(a) the supply of electricity within their district (including the construction of generating stations, main transmission lines, and other works required for the purpose);

(b) the acquisition of the undertakings or parts of the undertakings of authorized undertakers;

and such powers incidental thereto, as are in the scheme or in this Act mentioned, and every such authority shall comply with any general directions given to them by the Electricity Commissioners as to the exercise and performance of their powers and duties.

(2) A joint electricity authority may, with the approval of the Electricity Commissioners, establish or join with any other such authority in establishing a scheme for the payment of superannuation allowances and gratuities to any of their officers and servants who become incapable of discharging their duties by reason of permanent infirmity of body and mind or old age upon their resigning or otherwise ceasing to hold office, and the expenses incurred under any such scheme shall be treated as part of the expenses of the authority in carrying out their powers and duties under this Act.

#### Generating Stations.

**9. Power to acquire generating stations, &c.**—A joint electricity authority may, with the consent of the Electricity Commissioners, by agreement with the owners thereof acquire any generating station or any main transmission line from any such station on such terms as may be agreed.

**10. Right to use for generating stations land acquired for that purpose.**—Where a joint electricity authority or any authorized undertakers are authorized by order made after the passing of this Act to acquire or use any land for the purpose of a generating station, no person shall be entitled to restrain the use of the land for that purpose.

**11. Restrictions on the establishment of new generating stations.**—Notwithstanding anything in any special Act or order in force at the passing of this Act, it shall not be lawful for any authority, company, or person to establish a new or extend an existing generating station or main transmission line without the consent of the Electricity Commissioners (which consent shall not be refused or made subject to compliance with conditions to which the authority, company, or person object, unless a local inquiry has been held), but this restriction shall not apply to the establishment or extension of a private generating station; provided that, in the case of the establishment of a new private generating station, the owner thereof shall comply with any regulations made by the Electricity Commissioners as to the type of current, frequency, and pressure to be used; but such regulations shall be so framed as not to interfere with the economical and efficient working of the business for which the supply is generated:



Provided that, in the case of a railway company using or proposing to use electricity for traction, and in the case of the owners of a dock undertaking regulated by Act of Parliament using or proposing to use electricity for the purposes of their undertaking, consent shall not be refused unless it is proved to the satisfaction of the Electricity Commissioners that a joint electricity authority or authorized undertakers are or will be willing and in a position to give the railway company or owners a supply of electricity, adequate in quantity and regularly to meet the present and prospective demand of the railway company or owners, at a cost not greater than would have been incurred by the railway company or owners in supplying themselves:

Provided also that—

(a) where a group of persons carrying on or intending to carry on businesses in which large quantities of electricity are used for purposes other than for provision of mechanical power or light propose to establish a generating station for the purposes of such businesses; or

(b) where a manufacturer, having a business in which electricity can be generated from energy derived from a process of manufacture carried on in his premises, proposes to establish a generating station for the purpose of supplying electricity not only for his own business but also to other manufacturers whose businesses are associated therewith;

the Electricity Commissioners may authorize the establishment, by or on behalf of those consumers or that manufacturer, of a generating station, subject to the condition that any surplus electricity generated beyond that required by those consumers or, as the case may be, by the business of that manufacturer or the associated businesses shall (if required by the Electricity Commissioners) be supplied to the joint electricity authority, or any authorized undertakers, at such prices as the Electricity Commissioners may think fit and proper, and may by order authorize the exercise of such other powers (including the breaking up of roads, railways, and tramways) as may be necessary for the purpose of such supply, and the generating station shall be treated for the purposes of this Act as though it were a private generating station.

#### *Powers of Joint Electricity Authorities.*

**12. Powers of joint electricity authorities in respect of the supply of electricity.**—(1) A joint electricity authority shall have power to supply electricity within their district subject to the following limitations, that is to say, the authority shall not supply electricity—

(a) in any area which for the time being forms part of the area of supply of any authorized distributors without the consent of those distributors, except to railway, canal, or inland navigation companies or authorities for the purposes of traction or haulage, or for lighting vehicles and vessels for the haulage or traction of which electricity is supplied, or for the purpose of charging or re-charging electric vehicles not running on rails; or

(b) in any part of the area of supply of a power company for any purpose for which the company are therein authorized to supply electricity, without the consent of the company, except to the previous owner of a generating station which has been transferred to the joint electricity authority or for the purpose of charging or re-charging electric vehicles not running on rails;

Provided that, where the authorized distributors or power company refuse or withhold their consent, the joint electricity authority may appeal to the Electricity Commissioners as to whether the consent is unreasonably refused or withheld, and the Board of Trade on the recommendation of the Electricity Commissioners may dispense with such consent if in their opinion it is unreasonably refused or withheld if the authorized distributors or power company are not willing and in a position to give the requisite supply upon reasonable terms and within a reasonable time, and in considering what are reasonable terms and what is a reasonable time the Board of Trade shall amongst other things have regard to the terms upon which and the time within which the joint electricity authority and the authorized distributors or power company are respectively willing and able to give the supply, and, where the authorized distributors or power company are themselves supplied by the joint electricity authority, the terms upon which they are so supplied, including the period of time for which such terms are to be binding.

(2) This Act shall, in relation to every joint electricity authority, be deemed to be a special Act for the purposes of the Electric Lighting Acts, and every joint electricity authority shall be deemed to be undertakers within the meaning of those Acts, and for the purposes of this section there shall be incorporated with this Act the provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899 [62 & 63 Vict. c. 19], subject to such exceptions and modifications as may be prescribed by the order constituting the joint electricity authority;

Provided that sections two and three of the Electric Lighting Act, 1899 [51 & 52 Vict. c. 12] (which relate to the purchase of undertakings by local authorities), shall not apply to the undertakings of joint electricity authorities.

(3) Subject to the limitations hereinbefore contained on the powers of a joint electricity authority to supply electricity, the Electricity Commissioners may by order, after such inquiry as they think fit, impose on any joint electricity authority an obligation to supply electricity in such circumstances, within such areas, and on such terms and conditions as to price and otherwise as may be specified in the order.

**13. Transfer of undertakings to joint electricity authorities.**—(1) Any local authority being authorized distributors may, with the consent of

the Electricity Commissioners, agree with the joint electricity authority of the district in which the area of supply of the local authority or any part thereof is situated for the transfer to the joint electricity authority of the whole or any part of the undertaking of the local authority within that district;

Provided that, where part of the area of supply of the local authority is situated in a locality which is not included in an electricity district, the powers of purchasing that part may, if the Electricity Commissioners consent, be exercised by a joint electricity authority within whose district any part of the area of supply is situated.

(2) Where under the Electric Lighting Acts, or under any order made thereunder or under any special or local Act, any right to purchase the whole or any part of the undertaking of any authorized distributors is vested in any local authority (including a county council), the right may, by any order under this Act constituting a joint electricity authority for the district comprising the area of the local authority, be transferred to and vested in the joint electricity authority, subject to the order providing for adequate representation on the joint electricity authority of the local authority from whom the right is transferred, and, on any such right being so transferred, the order or Act conferring the right shall be construed accordingly, and any question as to the adequacy of such representation shall be determined by the Electricity Commissioners;

Provided that, if the area of the local authority is situate partly in the district of one joint electricity authority and partly in that of another, the right shall be transferable to such one of those joint electricity authorities or divisible between them as the Electricity Commissioners may determine, and where part of such area is situate in a locality which is not included in an electricity district the right of purchasing that part may, if the Electricity Commissioners consent, be transferable to a joint electricity authority within whose district any part of such area is situate.

(3) Where any such right as aforesaid becomes exercisable before the date of the constitution of a joint electricity authority, the right shall not be exercised by the local authority without the consent of the Electricity Commissioners, and such consent may be given subject to such conditions as the Commissioners may think fit, and it shall be lawful for the local authority to comply with any conditions so imposed.

(4) A joint electricity authority with the consent of the Electricity Commissioners may at any time acquire the whole or any part of the undertaking of any authorized undertakers not being a local authority, by agreement, and it shall be lawful for any such undertakers to sell their undertaking or any part thereof to a joint electricity authority.

**14. Special provisions as to power companies.**—(1) The Electricity Commissioners may, on the application of a joint electricity authority, by order exclude from the area of supply of any power company any part of that area which at the time of the application is not being supplied by the company, and which it appears to the Electricity Commissioners could be better served by the joint electricity authority, and in consideration therefor may, if they think fit, confer on the power company power to supply electricity for all purposes in other parts of their area of supply which do not at the time form part of the area of supply of any authorized distributors;

Provided that, if the power company, or any county council, local authority, or authorized undertakers which appear to the Electricity Commissioners to be interested, object to the proposed order, effect shall not be given to the proposals except by special order.

**15. Subsidiary powers of joint electricity authorities.**—(1) The Board of Trade, on the representation of the Electricity Commissioners, may by order authorize any joint electricity authority or any authorized undertakers to abstract water from any river, stream, canal, inland navigation or other source, and to do all such acts as may be necessary for the purpose of enabling the joint electricity authority or authorized undertakers to utilise and return the water so abstracted, subject to such conditions as may be specified in the order, but the Board shall not in any case make such an order until notice of their intention to make the order has been given by advertisement or otherwise as the Board may direct and an opportunity has been given to any person who appears to the Board to be affected of stating any objections he may have thereto, and such order may provide for the recovery in a summary manner of penalties for infringement of the order;

Provided that—

(a) where the source from which the water is to be abstracted is a canal, inland navigation, or harbour regulated by Act of Parliament, or where any existing rights of riparian owners will be affected by the abstraction of the water, the order authorizing the abstraction shall be a special order, and shall provide that the water not consumed shall, subject to any agreement to the contrary, be returned at a level not lower than that at which it was abstracted; and

(b) the order shall require that all water not consumed (and in no case less than ninety-five per centum of the water abstracted) shall be returned in a condition not less pure than when it was abstracted and at a temperature not higher than such as may be specified in the order (which temperature shall be fixed at such a degree as appears to the Board necessary to avoid injury to public health or to fisheries, if any, or in the case of a canal or inland navigation to the works thereof, or to vessels using the same, or to the trade or business carried on by any person using the same for the purposes of or in connection with his trade or business); and

(c) no order shall be made authorizing the abstraction of water

from any dock regulated by Act of Parliament except with the consent of the owners thereof and subject to such terms and conditions as may be agreed; and

(d) in any order authorizing the abstraction of water from the Manchester Ship Canal there shall be inserted such provisions as the Board of Trade may consider adequate for preventing interference with the navigation of the canal.

(2) A joint electricity authority and any local authority, company, or person may, with the consent of the Electricity Commissioners, enter into arrangements for the utilization, for the purposes of the joint electricity authority, of water power, waste heat, or other form of energy which the local authority, company, or person may be able to dispose of, or for the supply by the joint electricity authority of any form of energy other than electricity, and, where such an arrangement has been made, the joint electricity authority may be authorized by order to exercise such powers (including the power to break up roads, railways, and tramways) as may be necessary for the purpose of conveying such energy:

Provided always that such joint electricity authority, local authority, company, or person shall in no case have the power to enter into arrangements for the supply by the joint electricity authority of any form of energy, other than electricity, in any area or district within which any undertakers may be authorized by Parliament to supply such form of energy unless and until such undertakers consent thereto, and then only upon such terms and conditions as may be agreed upon with such undertakers.

(3) The purposes for which a joint electricity authority may be authorized to acquire compulsory or use land under section one of the Electric Lighting Act, 1909 [9 Ed. 7, c. 34], shall include the development of water-power for the generation of electricity.

(4) A joint electricity authority may, with the consent of the Electricity Commissioners, erect, maintain, alter, improve, and renew by-product plant with all necessary machinery and apparatus, and do all such acts as may be proper for working up and converting the residual products arising directly or indirectly from the generation of electricity:

Provided that, where it appears to the Electricity Commissioners that the establishment of any such by-product plant could properly be undertaken by any existing company, authority, or person, a joint electricity authority shall not establish such plant without first giving to such company, authority, or person an opportunity of so doing.

**16. Compensation for deprivation of employment.**—If after the eighth of May nineteen hundred and nineteen, and within five years from the date when under this Act a transfer of the whole or any part of an undertaking has been effected, or a scheme for the improvement of the supply of electricity in any district has come into operation, or an agreement or arrangement between various authorized undertakers for the rendering of mutual assistance to one another has been entered into, any officer or servant who has, before the said eighth day of May, been regularly employed in or about the undertaking or any authorized undertaking proves to the satisfaction of a referee or a board of referees appointed by the Minister of Labour that in consequence of this Act he—

(i) has suffered loss of employment, or diminution of salary, wages or emoluments, otherwise than on grounds of misconduct, incapacity, or superannuation; or

(ii) has relinquished his employment in consequence of being required to perform duties such as were not analogous or were an unreasonable addition to those which before the said eighth day of May he had been required to perform; or

(iii) has been placed in any worse position in respect to the conditions of his service (including tenure of office, remuneration, gratuities, pension, superannuation, sick or other fund, or any benefits or allowances, whether obtaining legally or by customary practice),

and the body to which the undertaking or part thereof was transferred, or, as the case may be, the authorized undertakers who are affected by the scheme or are parties to the agreement or arrangement, do not show to the satisfaction of the referee or board of referees that equivalent employment on the like conditions as those obtaining with respect to him, at the date when the scheme comes into operation, or the agreement or arrangement is entered into, was available, there shall be paid to him by that body or those undertakers, or such of them as the referee or board of referees may think just, such compensation as the referee or board of referees may award, including any expenses which the officer or servant necessarily incurs in removing to another locality:

Provided that such compensation shall, in the case of an officer employed on an annual salary, be based on but not exceed the amount which would have been payable to a person on abolition of office under the Acts and rules relating to His Majesty's Civil Service in force at the date of the passing of the Local Government Act, 1888 [51 & 52 Vict. c. 41], but, in computing the period of service of any officer, service under any authorized undertakers shall be reckoned as service under the authorized undertaker in whose employment he is at the time that he suffers such loss or diminution as is mentioned in this section; and, where any such officer or servant was temporarily absent from his employment whilst serving in or with His Majesty's Forces or the forces of the Allied or Associated Powers, or in any other employment of national importance during the present war, such service shall be reckoned as service under the authorized undertakers in whose employment he was immediately before and after such temporary absence.

**17. Submission of plans, &c., with respect to capital expenditure.**—A joint electricity authority before incurring any capital expenditure above such amount as the Electricity Commissioners may prescribe shall submit for approval to the Electricity Commissioners such details, plans, and estimates with respect to the proposed expenditure as the Electricity Commissioners may require.

#### Transitory Provisions.

**18. Power of Board of Trade to construct interim works.**—(1) It shall be lawful for the Board of Trade, after consultation with the Electricity Commissioners, at any time after an electricity district has been provisionally determined and before the establishment of a joint electricity authority for the district, and for two years after the establishment of any such authority, with the consent of such authority, to construct any generating station, main transmission line, or other works, and exercise any other powers which a joint electricity authority can or can be authorized to exercise under this Act:

Provided that, where the Board of Trade propose to construct a generating station before the establishment of a joint electricity authority for any district, the Electricity Commissioners shall consult with the county councils, local authorities, and authorized undertakers any part of whose county, district, or area of supply is within the electricity district as provisionally determined as to the site of the proposed station.

(2) The Treasury may issue to the Board of Trade out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, any sums not exceeding in the aggregate twenty million pounds, required for the construction of any such works or the acquisition of land for that purpose, or required for providing working capital for such works, on such terms and conditions as to interest, repayment, and otherwise as the Treasury may think fit.

The Treasury may, if they think fit, at any time for the purpose of providing for the issue of sums out of the Consolidated Fund under this section or for the repayment to that fund of all or any part of the sums so issued, or for the paying off of any security so issued under this subsection so far as that payment is not otherwise provided for, borrow money by means of the issue of Exchequer Bonds, and all sums so borrowed shall be paid into the Exchequer.

Any sums received on account of the payment of principal or interest on the advances made to the Board of Trade shall be paid into the Exchequer, but any part of sums so paid which represents the repayment of principal shall be transferred to the National Debt Commissioners and applied by them as and when they think fit in purchasing or paying off as occasion requires any securities issued under this subsection, and sums so applied shall be invested and accumulated by the said Commissioners.

The principal of and interest on any Exchequer Bonds issued under this subsection shall be charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

(3) At the expiration of two years after the establishment of a joint electricity authority for any district, or at any earlier time which may be agreed on between the Board of Trade and the joint electricity authority, any generating station, main transmission lines and other works, and any land acquired for the purpose thereof by the Board of Trade under this section which are situate within the electricity district, shall vest in that authority, subject to the payment by the joint electricity authority to the Board of Trade of such sum as may be certified by the Treasury to be sufficient to repay the advances made by them to the Board of Trade (including the cost of redeeming any of the securities issued under the preceding subsection) in respect of the construction of and provision of working capital for such works, and the acquisition of such lands, and any interest thereon which may be outstanding, after deducting the amount applied or applicable towards the repayment of the sums issued to the Board of Trade for defraying that cost.

(4) The prices fixed by the Board of Trade for electricity supplied by them from generating stations established under this section shall be such that their receipts therefrom will be sufficient to cover their expenditure on income account (including interest and sinking fund charges in respect of such advances as aforesaid) with such margin as the Board may think fit.

**19. Power of authorized undertakers to render mutual assistance to one another.**—(1) During the period between the passing of this Act and the establishment of a joint electricity authority for a district, any two or more of the authorized undertakers within the locality may, with the approval of the Electricity Commissioners, and if so required by the Electricity Commissioners shall, enter into and carry into effect arrangements for mutual assistance of the one by the other, with regard to all or any of the following purposes:—

(a) The giving and taking of a supply of electricity and the distribution and supply of the electricity so taken:

(b) The management and working of the generating stations or any part of the several undertakings of the undertakers who are parties to any such arrangement:

(c) The provision of capital required for carrying into effect and the appropriation and division of receipts arising under, any such arrangement:

(d) Any matters or things incidental or connected with any of the purposes aforesaid:

and the arrangement shall be made on such terms and conditions as may be agreed, or, if the arrangement is made in pursuance of a re-



quirement by the Electricity Commissioners, on such terms and conditions as in default of agreement may be settled by those Commissioners :

Provided that the authorized undertakers entering into any such arrangement shall remain and be subject to all the same obligations and liabilities to all persons not being parties to the arrangement as they would have been subject to if no such arrangement had been entered to.

(2) Where such an arrangement has been made, any authorized undertakers who are parties to the arrangement may be authorized by order to exercise such powers (including the power to break up roads, railways, and tramways) as may be necessary for the purpose of carrying the arrangement into effect.

(3) The provision of capital required for giving effect to any such arrangement, and the payment of interest on any such capital raised for the purpose of effecting intercommunication or development of supply in bulk, whilst the expenditure remains unremunerative, shall be purposes for which a local authority may borrow under the Electric Lighting Acts.

*Amendments of Electric Lighting Acts.*

**20. Transfer of powers of certain departments.**—There shall be transferred to the Electricity Commissioners the powers of the Minister of Health and the Secretary for Scotland and the London County Council with respect to the sanctioning of borrowing by local authorities under the Electric Lighting Acts, or under any special Act or order relating to the supply of electricity, but in exercising the powers so transferred the Electricity Commissioners shall act in consultation with the Department or Council from which the powers were transferred.

**21. Overhead wires.**—Where the consent of the Board of Trade is obtained to the placing of any electric line above ground, in any case the consent of the local authority shall not be required, anything in the Electric Lighting Acts, or in any order or special Act relating to the undertaking to the contrary notwithstanding, but the Board of Trade before giving their consent shall give the local authority an opportunity of being heard.

**22. Wayleaves.**—(1) A joint electricity authority or any authorized undertakers may place any electric line below ground across any land, and above ground across any land other than land covered by buildings or used as a garden or pleasure ground in cases where the placing of such lines above ground is otherwise lawful, and where any line has been so placed across any land the joint electricity authority or undertakers may enter on the land for the purpose of repairing or altering the line :

Provided that, before placing any such line across any land, the joint electricity authority or undertakers shall serve on the owner and occupier of the land notice of their intention, together with a description of the nature and position of the lines proposed to be so placed ; and if, within twenty-one days after the service of the notice, the owner and occupier fail to give their consent or attach to their consent any terms or conditions or stipulations to which the joint electricity authority or the undertakers object, it shall not be lawful to place the line across that land without the consent of the Board of Trade ; and the Board of Trade may, if after giving all parties concerned an opportunity of being heard they think it just, give their consent either unconditionally or subject to such terms, conditions, and stipulations as they think just ; and in deciding whether to give or withhold their consent, or to impose any terms, conditions, or stipulations (including the carrying of any portion of the line underground) the Board shall, among other considerations, have regard to the effect, if any, on the amenities or value of the land of the placing of the line in the manner proposed.

(2) The power of placing lines across land conferred by this section shall include the power of placing a line across or along any railway, canal, inland navigation, dock or harbour, subject to the rights of the owners thereof and to the following conditions :—

(a) In respect of any electric lines placed or proposed to be placed across any line of railway from side to side thereof sections fifteen, sixteen, nineteen, twenty, and seventy-seven of the Schedule to the Electric Lighting (Clauses) Act, 1899, shall, without prejudice to any protection given to the railway company by the Electric Lighting Acts and this Act, apply as though the said electric lines were placed or proposed to be placed in accordance with powers contained in a special order as defined in the Electric Lighting (Clauses) Act, 1899 :

(b) In respect of any electric lines placed or proposed to be placed across any canal or inland navigation from side to side thereof, whether by being carried above or below ground, sections fifteen, nineteen, and seventy-seven of the schedule to the Electric Lighting (Clauses) Act, 1899, shall, without prejudice to any protection given to the owners of the canal by the Electric Lighting Acts and this Act, apply as though the said electric lines were placed in accordance with powers contained in a special order, as defined in the Electric Lighting (Clauses) Act, 1899 :

(c) In respect of any electric lines placed or proposed to be placed over or upon or under any line of railway along its course, the provisions contained in the proviso to sub-section (1) of this section shall not apply, and in lieu thereof the following conditions shall apply :—

(i) Failing agreement between the joint electricity authority or authorized undertakers proposing to place such electric lines and the railway company, the joint electricity authority or authorized undertakers may apply to the Board of Trade, who may decide either that the lines shall not be so placed or may refer the question to the Railway and Canal Commission, and that Commission may, after an inquiry, make an order for the placing of the electric lines, subject to such pecuniary terms as the Commission think just, or refusing to allow such lines to be placed, and any such inquiry may be held by any one or more of the members of the Commission or by an officer appointed by the Commission for the purpose, and Parts I. and IV. of the Railway and Canal Traffic Act, 1888 [51 & 52 Vict. c. 25] (except the sections relating to appeals), shall apply as far as applicable to any such inquiry, and any officer appointed to hold the inquiry shall have power to administer an oath ;

(ii) The joint electricity authority or authorized undertakers shall, upon receiving notice in writing from the railway company, remove or alter within a reasonable time, and to the reasonable satisfaction of the railway company, any such electric lines which shall interfere with the existing or any proposed works of the railway company or the traffic thereon : Provided that, if within twenty-one days after receipt of such notice the joint electricity authority or authorized undertakers object to the removal or alteration required by such notice, a difference shall be deemed to have arisen, which shall be referred to and determined by the Railway and Canal Commission ;

(iii) Save as herein provided, sections fifteen, sixteen, nineteen, twenty, and seventy-seven of the schedule to the Electric Lighting (Clauses) Act, 1899, shall, without prejudice to any protection given to the railway company by the Electric Lighting Acts and by this Act, apply as though the said electric lines were placed in accordance with powers contained in a special order as defined in the Electric Lighting (Clauses) Act, 1899 :

(d) In respect of any electric lines placed or proposed to be placed over or upon or under any canal or inland navigation along its course, the provisions contained in the proviso to sub-section (1) of this section shall not apply, and in lieu thereof the following conditions shall apply :—

(i) The provisions of paragrapha (c) (i) and (c) (ii) of this sub-section shall apply as in the case of railways and for that purpose the expression " railway company " shall mean the owners of the canal or inland navigation :

(ii) Save as herein provided, sections fifteen, sixteen, nineteen, and seventy-seven of the schedule to the Electric Lighting (Clauses) Act, 1899, shall, without prejudice to any protection given to the owners of canals by the Electric Lighting Acts and this Act, apply as though the said electric lines were placed in accordance with powers contained in a special order as defined in the Electric Lighting (Clauses) Act, 1899 :

(e) No electric line shall be placed in the tunnels of any tube railway within the Metropolitan Police area, except with the consent of the company owning such railway :

(f) In respect of any electric lines placed or proposed to be placed across any lands or works forming part of any dock or harbour undertaking regulated by Act of Parliament, whether by being carried above ground or below ground, sections fifteen, sixteen, seventeen, nineteen, and seventy-seven of the schedule to the Electric Lighting (Clauses) Act, 1899, shall, without prejudice to any protection given to the authority owning or managing the undertaking by the Electric Lighting Acts and this Act, apply as though the said electric lines were placed in accordance with powers contained in a special order as defined in the Electric Lighting (Clauses) Act, 1899 :

(g) The sections of the schedule to the Electric Lighting (Clauses) Act, 1899, by this sub-section applied to canals, inland navigations, docks and harbours, and lands or works forming part thereof, shall apply thereto as if references in those sections to streets and persons liable to repair streets and to canals and canal companies included, respectively, canals, inland navigations, docks and harbours, and lands and works forming part of a dock or harbour, and the authority owning or managing the same.

(3) For the purposes of this section, any company or body or person entitled by virtue of any Act of Parliament to receive tolls or dues in respect of the navigation on or use of any canal, inland navigation, dock or harbour shall be deemed to be owners of such canal, inland navigation, dock or harbour.

(4) Section fourteen of the schedule to the Electric Lighting (Clauses) Act, 1899, so far as it relates to the Postmaster-General, shall be incorporated with this section, and shall apply to the execution of any works which will involve the placing of lines across or along any land, whether below ground or above ground, under this section in like manner as it applies to the execution of works which will involve the placing of lines in, under, along, or across any street or public bridge.

(5) Nothing in this section shall prejudice or affect the rights of the Postmaster-General in relation to railways, canals, docks, and harbours under the Telegraph Acts, 1863 to 1916, or any agreement or award made thereunder, or shall operate in such a manner as to interfere with or involve additional expense in the exercise of any such rights.

(6) A notice under this section may be served on the owner or occupier of any land by delivering it to him, or by leaving it, or forwarding it by post addressed to him at his usual or last known place of abode, and may be addressed by the description of the owner or occupier of the lands (naming them) without further name or description.

**23. Supply of apparatus.**—(1) A joint electricity authority and any local authority authorized by special Act or by order to supply electricity may provide, let, for hire, and in respect thereof may connect, repair, maintain and remove (but shall not, unless expressly authorized to do so by the special Act or order, manufacture or sell) electric lines, fittings, apparatus and appliances for lighting, heating and motive power and for all other purposes for which electricity can or may be used, and with respect thereto may demand and take such remuneration or rents and charges, and may make such terms and conditions, as may be agreed upon.

(2) Any electric lines, fittings, apparatus and appliances provided by or on behalf of any authorized distributors on consumers' premises, either before or after the passing of this Act, and any lands, buildings or works held by them in connection therewith shall be deemed to form part of the undertaking authorized by the special Act, or order relating to such authorized distributors.

**24. Alteration of type of current, &c.**—The Electricity Commissioners may require any authorized undertakers to amend or alter the type of current, frequency or pressure employed by them in their undertaking, and the execution of the works necessary to comply with such an order shall be a purpose for which a local authority may borrow under the Electric Lighting Acts: Provided that this section shall not apply to electricity generated at a railway generating station existing at the passing of this Act, and that if, on appeal by any authorized undertakers, the Board of Trade are satisfied that compliance with the order would entail unreasonable expense, the Board of Trade may direct that the order shall not apply to those undertakers, or apply only subject to such conditions as the Board of Trade may prescribe.

**25. Amendment of s. 26 of Act of 1882.**—Section twenty-six of the Electric Lighting Act, 1882 [45 & 46 Vict. c. 56] (which contains provisions for the protection of the Postmaster-General), shall have effect as if the words "or the laying of connections with mains where the direction of the electric lines so laid down crosses the line of the Postmaster-General at right angles at the point of shortest distance, and continues the same for a distance of six feet on each side of such point" were omitted, and as if for the words "not more than twenty-eight nor less than seven clear days" there were substituted the words "one month, or, in the case of the laying of service lines to consumers' premises, seven clear days."

**26. Substitution of special for provisional orders.**—Anything which under the Electric Lighting Acts may be effected by a provisional order confirmed by Parliament may be effected by a special order made by the Electricity Commissioners and confirmed by the Board of Trade under and in accordance with the provisions of this Act, or by an order establishing a joint electricity authority under this Act, and references in those Acts and the Electric Lighting (Clauses) Act, 1899, to provisional orders shall be construed as including references to such special orders and orders as aforesaid, except that the paragraphs numbered (1) to (4) of section four of the Electric Lighting Act, 1882, shall not apply to such special orders and orders as aforesaid, and any provisional order made under the Electric Lighting Acts and confirmed by Parliament may be amended or revoked by any such special order or order as aforesaid:

Provided that a special order made in pursuance of the powers conferred by this section shall be laid before each House of Parliament, and shall not come into force unless and until approved, either with or without modifications, by a resolution passed by each such House.

**27. Power to require accounts, statistics, and returns.**—It shall be the duty of joint electricity authorities and authorized undertakers to furnish to the Electricity Commissioners at such times and in such form and manner as the Commissioners may direct such accounts, statistics, and returns as they may require for the purposes of their powers and duties under this Act.

#### Financial Provisions.

**28. Revenue and expenditure of joint electricity authorities.**—(1) Every joint electricity authority shall establish a fund to which all receipts by the authority shall be carried, and out of which all payments by the authority shall be made.

(2) Every joint electricity authority shall annually, at such time as the Electricity Commissioners may fix, submit to the Electricity Commissioners such a statement of income and expenditure on revenue account as the Electricity Commissioners may require.

(3) The accounts of every joint electricity authority and their officers shall be audited by auditors appointed by the Electricity Commissioners, and the audit shall be conducted in accordance with such regulations as may be prescribed by the Electricity Commissioners, and the regulations may apply with the necessary modifications the provisions relating to the accounts and audit of accounts of county councils and their officers.

(4) Every joint electricity authority shall, annually at such date and in such form as the Electricity Commissioners may prescribe, make to

the Electricity Commissioners a report of their proceedings during the preceding year.

**29. Expenses of Electricity Commissioners.**—(1) The Electricity Commissioners shall, at the beginning of each financial year, prepare an estimate of their receipts and expenditure during the year, and submit it for approval by the Board of Trade.

(2) The Electricity Commissioners shall apportion the amount by which the estimated expenses so approved exceed the estimated receipts so approved amongst the several joint electricity authorities and authorized undertakers within the United Kingdom in proportion to the number of units of electricity generated by or on behalf of those authorities and undertakers respectively in the preceding year; and every such authority or undertaker shall, on demand from the Electricity Commissioners, pay to them as a contribution towards their expenses the sum so apportioned:

Provided that, during the first two years after the passing of this Act, the amount of such excess shall be paid out of moneys provided by Parliament, but such payments shall be treated as advances and shall be repaid, with interest at such rate as the Treasury may fix, by the Commissioners by equal annual instalments in the next three succeeding years.

(3) All sums received by the Commissioners shall be paid into a separate fund, and out of that fund the salaries, remuneration, pensions and gratuities of the Commissioners, their secretary, officers, and servants and all expenses incurred by the Commissioners shall be paid, and the Treasury may determine that that fund shall be a public fund within the meaning of the Superannuation Act, 1892 [55 & 56 Vict. c. 40].

**30. Subscriptions to associations.**—Subject to the consent of the Electricity Commissioners, joint electricity authorities or any authorized undertakers may, out of the revenue of their undertakings, pay reasonable subscriptions, whether annual or otherwise, to the funds of any association formed for the purpose of consultation as to their common interests and the discussion of matters relating to the supply of electricity, and to the funds of any recognized association conducted on a non-profit earning basis for developing the use of electricity, and may purchase reports of the proceedings of any conferences or meetings, and may pay the reasonable expenses of attendance of any members or officers of the joint electricity authority or undertaker at conferences or meetings of the said association or any of them.

#### General.

**31. Application to electricity of 38 & 39 Vict. c. 86, s. 4.**—Section four of the Conspiracy and Protection of Property Act, 1875 (which relates to breaches of contract by persons employed in the supply of gas or water), shall extend to persons employed by a joint electricity authority or by any authorized undertakers in like manner as it applies to persons mentioned in that section, with the substitution of references to electricity for the references to gas or water.

**32. Provisions as to agreements and arrangements under this Act.**—(1) Where under this Act a joint electricity authority are authorized to enter into an agreement or arrangement with any authorized undertakers or any other authority, company, or person for any purpose, it shall be lawful for those undertakers, authority, company, or person to enter into and carry into effect such an agreement or arrangement.

(2) Where a local authority, as authorized undertakers, enter into an agreement or arrangement with a joint electricity authority or any other authorized undertakers in pursuance of this Act, any expenses incurred by the local authority in carrying the agreement or arrangement into effect shall be deemed to be expenses incurred by them under or in pursuance of the Electric Lighting Acts and the provisions of section seven and section eight of the Electric Lighting Act, 1882, shall apply accordingly, and any moneys received by any such local authority under any such agreement or arrangement shall be deemed to be moneys received by the local authority in respect of their undertaking.

(3) Where by this Act an order may be made conferring on a joint electricity authority or authorized undertakers or other persons such powers as may be necessary for carrying into effect an agreement or arrangement entered into by them under this Act or for doing anything which under this Act they are authorized to do, and amongst the powers to be conferred by the order are included powers of breaking up streets, railways and tramways other than such as can be broken up under any order or special Act relating to the joint electricity authority or undertakers, the order, unless it is an order made under section seven of this Act, shall be a special order, and shall apply or incorporate the provisions of the Electric Lighting Acts and the Electric Lighting (Clauses) Act, 1899, relating to breaking up of streets, railways, and tramways.

**33. Power to hold inquiries.**—(1) The Electricity Commissioners may hold, or cause to be held, such inquiries as they consider necessary or desirable for the purposes of this Act, and the Commissioners, and, if authorized by the Commissioners, the person appointed to hold any such inquiry may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a wit-



ness and give evidence or to produce documents at the inquiry, and, if any person fails without reasonable excuse to comply with any of the provisions of any such order, he shall be liable on summary conviction to a fine not exceeding five pounds, and the Commissioners or person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths.

(2) Notices of inquiries may be given and published in accordance with such general or special directions as the Commissioners may give.

34. *Power to make rules.*—(1) The Board of Trade and the Electricity Commissioners may respectively make rules in relation to applications and other proceedings before them under this Act, and to the payments to be made in respect thereof, and to the publication of notices and advertisements, and the manner in which and the time within which representations or objections with reference to any application or other proceeding are to be made, and to the holding of inquiries in such cases as they may think it advisable, and to the costs of such inquiries, and to any other matters arising in relation to their powers and duties under this Act.

(2) Any rules made in pursuance of this section shall be laid before Parliament as soon as may be after they are made, and shall have the same effect as if enacted in this Act.

35. *Procedure for making special orders.*—(1) A special order made under this Act by the Electricity Commissioners shall not have any effect unless and until confirmed by the Board of Trade.

(2) Sections eighty and eighty-one of the Factory and Workshop Act, 1901 (1 Edw. 7, c. 22), relating to the making of regulations under that Act, as set out and adapted in the Schedule to this Act, shall apply to the confirmation of special orders made under this Act.

(3) Before any special order, other than a special order which is not valid unless approved by a resolution passed by each House of Parliament, comes into force it shall be laid before each House of Parliament for a period not less than thirty days during which that House is sitting, and, if either of those Houses before the expiration of those thirty days presents an Address to His Majesty against the order or any part thereof, no further proceedings shall be taken thereon without prejudice to the making of any new order.

(4) A special order so made and confirmed as aforesaid shall have effect as if enacted in this Act.

36. *Definitions.* In this Act, unless the context otherwise requires—  
The expression "Electric Lighting Acts" means the Electric Lighting Acts, 1882 to 1909:

The expression "authorized undertakers" includes authorized distributors and power companies:

The expression "authorized distributors" means any local authority, company or person, authorized to supply electricity within any area of supply, but does not include a power company except in relation to any supply given by the company under an order made under the Electric Lighting Acts:

The expression "power company" means any company or person (other than a railway company being the owners or lessees of a railway generating station) authorized by special Act to supply electricity to authorized distributors and lighting authorities or to other persons for power purposes, whether with or without a subsidiary power to supply electricity for lighting purposes:

The expression "lighting authority" means any authority, company or person, authorized by any public, general or special Act, to undertake or contract for the lighting of streets, bridges or public places:

The expression "generating station" means any station for generating electricity, including any buildings and plant used for the purpose, and the site thereof, and a site intended to be used for a generating station, but does not include any station for transforming, converting or distributing electricity:

The expression "railway generating station" means a station for generating electricity for use solely or mainly by a railway company for the purposes of their undertaking:

The expression "private generating station" means a generating station for the generation of electricity for use solely or mainly on the owner's or joint owner's premises or for the purposes of his or their undertaking or undertakings, or, where the owner is a subsidiary company, solely or mainly on the premises or for the purposes of the undertaking of the principal company, in any case where the undertaking belonging to authorized undertakers or to a railway, tramway, canal, inland navigation, harbour or other undertaking providing facilities for or incidental to the transport of goods or passengers:

The expression "subsidiary company" means a company under the control of some other company or companies, whether by reason of the majority of the voting power being vested in the other company or companies, or their nominees or shareholders, or otherwise, and such other company or companies, are in relation to the subsidiary company, referred to as the principal company:

The expression "main transmission lines" means all extra high-pressure cables and overhead lines (not being an essential part of an authorized undertaker's distribution system or the distribution system of a railway company or the owners of a dock undertaking) transmitting electricity from a generating station to any other generating station, or to a sub-station, together with any step-up

and step-down transformers and switch-gear necessary to, and used for, the control of such cables or overhead lines, and the buildings or such part thereof as may be required to accommodate such transformers and switch-gear:

The expressions "railway company" and "railway" have the same meaning as in the Regulation of Railways Act, 1873 (36 & 37 Vict. c. 48.)

The expression "sinking fund charges" includes any charges for the repayment of loans whether by means of a sinking fund or otherwise.

Other expressions have the same meaning as in the Electric Lighting Act, 1909.

References to orders under the Electric Lighting Acts shall include references to deeds of transfer executed in pursuance of powers conferred by those orders.

37. *Application to Scotland.*

38. *Application to Ireland.*

39. *Transfer of powers of Board of Trade to Minister of Transport.*

—(1) All the powers and duties of the Board of Trade under this Act or the Electric Lighting Acts, or the orders and regulations made thereunder, or any local Act relating to the supply of electricity, or any enactment relating to matters incidental to such supply shall, as from such date as His Majesty in Council may fix, be transferred to the Minister of Transport, and accordingly references to the Board of Trade in any such Acts, orders, regulations or enactments shall be construed as references to the Minister of Transport:

Provided that the power of appointing Electricity Commissioners under this Act shall be exercised by the Minister of Transport with the concurrence of the Board of Trade.

(2) The Electricity Commissioners shall be solely responsible to the Minister of Transport and, under his direction, shall carry into effect the powers and duties conferred upon them by this Act, and the Minister of Transport shall refer to the Electricity Commissioners for their advice all matters connected with the exercise and performance of the powers and duties transferred to him under this section, except the appointment of the Commissioners and except where any act of, or order by, the Commissioners is by this Act expressly made subject to the approval of or an appeal to the Minister.

40. *Short title and construction.*—(1) This Act may be cited as the Electricity (Supply) Act, 1919, and the Electric Lighting Acts, 1882 to 1909, and this Act may be cited together as the Electricity (Supply) Acts, 1882 to 1919.

(2) This Act shall be construed as one with the Electric Lighting Acts.

# SCHEDULE.

[Section 35.]

## PROVISIONS OF THE FACTORY AND WORKSHOP ACT, 1901, APPLIED TO SPECIAL ORDERS MADE UNDER THIS ACT.

30.—(1) Before the Board of Trade confirm any special order under this Act, they shall publish, in such manner as they may think best adapted for informing persons affected, notice of the proposal to confirm the order, and of the place where copies of the order may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the order by or on behalf of persons affected must be sent to the Board of Trade.

(2) Every objection must be in writing and state—

- (a) the order or portions of order objected to;
- (b) the specific grounds of objection; and
- (c) the omissions, additions or modifications asked for.

(3) The Board of Trade shall consider any objection made by or on behalf of any persons appearing to them to be affected which is sent to them within the required time, and they may, if they think fit, amend the order, and shall then cause the amended order to be dealt with in like manner as an original order.

(4) Where the Board of Trade do not amend or withdraw any order to which any objection has been made, then (unless the objection either is withdrawn or appears to them to be frivolous) they shall, before confirming the order, direct an inquiry to be held in the manner hereinafter provided, and may, after considering the report of the person who held the inquiry, confirm the order either without modification or subject to such modification as they think fit, or may refuse to confirm the order.

31.—(1) The Board of Trade may appoint a competent and impartial person to hold an inquiry with regard to any order, and to report to them thereon.

(2) The inquiry shall be held in public, and any objector and any other person who, in the opinion of the person holding the inquiry, is affected by the draft order, may appear at the inquiry either in person or by counsel, solicitor or agent.

(3) The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.

(4) Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Board of Trade.

(5) The fee to be paid to the person holding the inquiry shall be such as the Board of Trade may direct.

## CHAPTER 101.

## GOVERNMENT OF INDIA ACT, 1919.

An Act to make further provision with respect to the Government of India.  
[23rd December, 1919.]

## CHAPTER 102.

## OLD AGE PENSIONS ACT, 1919.

An Act to amend the Old Age Pensions Acts, 1908 and 1911, and the Debtors Act, 1869.  
[23rd December, 1919.]

Be it enacted, &c. :—

1. *Rate of old age pension.*—An old age pension under the Old Age Pensions Acts, 1908 and 1911, shall be at the rate set forth in the First Schedule to this Act instead of at the rate set forth in the Schedule to the Old Age Pensions Act, 1908 [8 Edw. 7, c. 40] (in this Act referred to as "the Act of 1908").

2. *Amendment of statutory conditions as to means, nationality, and residence.*—(1) The following shall be substituted for paragraphs (2) and (3) of section two of the Act of 1908 :—

"(2) The person must satisfy the pension authorities that for at least ten years up to the date of the receipt of any sum on account of a pension he has been a British subject.

"(3) The person must satisfy the pension authorities that his yearly means as calculated under this Act do not exceed forty-nine pounds seventeen shillings and sixpence."

(2) Paragraph (1) of section three of the Old Age Pensions Act, 1911 [1 & 2 Geo. 5, c. 16] (in this Act referred to as "the Act of 1911"), which modifies the statutory condition as to nationality as respects a woman married to an alien, shall have effect as though all the words from "and that" to the end of the paragraph were omitted therefrom.

(3) The following shall be substituted for the words in paragraph (2) of section three of the Act of 1911 from the beginning of the paragraph down to the words "this provision" :—

"It shall be a statutory condition for the receipt of an old age pension by any person, that the person must satisfy the pension authorities, if he is a natural-born British subject, that he has, since attaining the age of fifty years, had his residence in the United Kingdom for an aggregate period of not less than twelve years, and if he is not a natural-born British subject, that he has had his residence in the United Kingdom for an aggregate period of twenty years :

"Provided that for the purpose of computing residence in the United Kingdom under this provision—"

3. *Amendment as to disqualifications.*—(1) The following shall be substituted for paragraph (a) of sub-section (1) of section three of the Act of 1908 :—

"(a) while he is an inmate of any workhouse or other poor-law institution :

Provided that a person who has become an inmate of any workhouse or other poor-law institution for the purpose of obtaining medical or surgical treatment shall not, during a period of three months from the date on which he becomes such an inmate if he so long continues to require such treatment, be disqualified on the ground only that he is such an inmate for receiving or continuing to receive an old age pension."

(2) The provisions of paragraph (b) of sub-section (1) of section three of the Act of 1908 (which disqualifies a person who has habitually failed to work according to his ability), shall cease to have effect.

(3) The provisions of sub-section (2) of section three of the Act of 1908, as amended by sub-section (2) of section four of the Act of 1911, so far as those provisions disqualify a person after the date on which he is released from prison, and sub-section (5) of section four of the Act of 1911 (which imposes a disqualification on persons convicted of offences under the Inebriates Act, 1898) [61 & 62 Vict., c. 60], shall cease to have effect.

4. *Calculation of means.*—(1) Sub-section (1) of section two of the Act of 1911 (which relates to the calculation of means) shall be amended as follows :—

(a) The yearly value of any such property as is mentioned in paragraph (a) of the said sub-section (1), shall be calculated as follows, that is to say :—

(i) The first twenty-five pounds of the capital value of the said property shall be excluded ; and

(ii) The yearly value of the next three hundred and seventy-five pounds of the capital value of the said property shall be taken to be one-twentieth part of the capital value ; and

(iii) The yearly value of so much of the capital value of the said property as exceeds the sum of four hundred pounds shall be taken to be one-tenth part of the capital value :

(b) In calculating the income mentioned in paragraph (b) of the said sub-section, no account shall be taken of any amounts received during a period of not more than three months in any year by a person or by the husband or wife of a person, as the case may be, under a medical certificate as sickness benefit from a friendly society or trade union, or under the National Insurance Act, 1911 [1 & 2 Geo. 5, c. 55] :

(c) No account shall be taken of the furniture and personal effects of a person whatever the value thereof may be :

(d) Where a husband is separated from his wife, any sum paid by him to her under a separation order shall be deducted in calculating his means.

(2) Sub-section (2) of section two of the Act of 1911 shall have effect as if the following words were added at the end thereof : "and where either of the couple or the couple jointly is or are entitled to any property, each of them shall be deemed to be entitled to one-half of that property."

5. *Pension not to be taken into account for purposes of Debtors Act.*—Any sums received by any person by way of an old age pension shall not be included in calculating his means for the purpose of section five of the Debtors Act, 1869 [32 & 33 Vict., c. 62].

6. *Date of commencement of pension or of increased rate of pension.*—(1) Where a pension is first allowed the pension shall commence, to accrue, and where, by virtue of a decision on any question which has been raised, a pension becomes payable at an increased rate, the pension shall become payable at the increased rate on the first Friday after the date on which the claim for the pension is received by the pension officer or on which the notice of the question is received by the pension officer, as the case may be, or on the first Friday after the date on which the claimant or the pensioner first becomes entitled to the pension or on which the pension first becomes payable at the increased rate, whichever is the later, or, if the later of those two dates is a Friday, on that Friday.

(2) Where any general public holiday falls on a Friday, the Treasury may, if they think fit, direct that sums payable by way of old age pensions on that Friday shall be paid on some other day, whether earlier or later.

7. *Provision for enabling claims to be made on behalf of persons suffering from mental or other incapacity.*—Regulations may be made under the Act of 1908 for enabling a local pension committee to appoint a person to exercise on behalf of any claimant or pensioner who is, by reason of any mental or other incapacity unable to act, any right to which that claimant or pensioner may be entitled under the Acts of 1908 and 1911, as amended by this Act, and to authorize any person so appointed to receive on behalf and for the benefit of the claimant or pensioner any sums payable by way of old age pension.

8. *Determination of claims by existing pensioners to have rate of pension increased.*—If any person who is in receipt of an old age pension at the time of the commencement of this Act or whose claim to an old age pension has been provisionally allowed before that time, claims that the rate of his pension should be increased so as to be in accordance with the scale contained in the First Schedule to this Act, the claim shall, instead of being considered and determined in manner provided by section seven of the Act of 1908, be considered and determined by the pension officer :

Provided that, if the claimant is aggrieved by the decision of the pension officer, he may appeal against the decision to the local pension committee, who shall consider the case and give their decision thereon in the same manner as if the decision of the pension officer were the report of a pension officer on a claim referred to him for report and inquiry under the said section seven.

9. *Saving for existing pensioners.*—(1) Where the means of any person who is in receipt of an old age pension at the time of the commencement of this Act would be greater if calculated in accordance with the provisions of the Acts of 1908 and 1911, as amended by this Act, than they would be if calculated in accordance with the provisions of those Acts as not so amended, the means of that person shall, for the purposes of the Acts of 1908 and 1911 and this Act, continue to be calculated as if this Act had not passed.

(2) The provisions of this Act modifying in respect of residence the statutory conditions for the receipt of an old age pension shall not operate so as to disentitle any person who is in receipt of an old age pension at the time of the commencement of this Act from continuing to receive the pension.

10. *Short title, commencement and repeal.*—(1) This Act may be cited as the Old Age Pensions Act, 1919, and shall be construed as one with the Old Age Pensions Acts, 1908 and 1911, and those Acts and this Act may be cited together as the Old Age Pensions Acts, 1908 to 1919.

(2) This Act shall come into operation on the second day of January, nineteen hundred and twenty.

(3) The enactments mentioned in the Second Schedule to this Act as hereby repealed to the extent specified in the third column of the Schedule.



**SCHEDULES.**  
**FIRST SCHEDULE.**  
[Sections 1 and 8.]

**RATE OF PENSION.**  
Means of Claimant or Pensioner. Rate of Pension per Week.

Where the yearly means of the claimant or pensioner as calculated under the Old Age Pensions Acts, 1908 and 1911, as amended by this Act—

do not exceed £26 5s.	10s.
exceed £26 5s., but do not exceed £31 10s.	9s.
£31 10s., " " £36 15s.	6s.
£36 15s., " " £42	4s.
£42 " " £47 5s.	2s.
£47 5s. " " £49 17s. 6d.	1s.
£49 17s. 6d. " " " " " " " "	No pension.

**SECOND SCHEDULE.**  
[Section 10.]  
ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Ed. 7, c. 40	Old Age Pensions Act, 1908.	Sub-section (2) of section one; paragraph (b) of sub-section (1) of section three and in sub-section (2) of that section the words "and for a further period of ten years after the date on which he is released from prison"; sub-section (2) of section five; Schedule.
1 & 2 Geo. 5, c. 16.	Old Age Pensions Act, 1911.	In paragraph (1) of section three the words from "and that" to the end of the paragraph; section four.

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# STATUTES

Enacted in the Session of Parliament, 1920.

## CHAPTER 1.

### CONSOLIDATED FUND (No. 1) ACT, 1920.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and twenty and one thousand nine hundred and twenty-one.  
(26th March, 1920)

## CHAPTER 2.

### MERCHANT SHIPPING (AMENDMENT) ACT, 1920.

An Act to amend section six hundred and fifty-nine of the Merchant Shipping Act, 1894.  
Be it enacted, &c. :—

1. *Amendment of s. 659 of 57 & 58 Vict. c. 60.*—The power of His Majesty, under section six hundred and fifty-nine of the Merchant Shipping Act, 1894, as amended by subsequent enactments, by Order in Council to fix the annual or other sums to be paid out of the General Lighthouse Fund in respect of the establishment of the general lighthouse authorities, shall extend to fixing the annual or other sums to be paid out of that fund to members of the general lighthouse authority for England and Wales, and the sums so fixed shall have effect notwithstanding anything in any Act limiting the amount thereof.

2. *Short title.*—This Act may be cited as the Merchant Shipping (Amendment) Act, 1920, and shall be included amongst the Acts which may be cited together as the Merchant Shipping Acts, 1894 to 1920.

## CHAPTER 3.

### COINAGE ACT, 1920.

An Act to amend the Law in respect of the Standard Fineness of Silver Coins current in the United Kingdom and in other parts of His Majesty's Dominions.  
(31st March, 1920.)

Be it enacted, &c. :—

1. *Alteration of standard fineness of silver coins.*—(1) The First Schedule to the Coinage Act, 1870 (33 & 34 Vict. c. 10), as amended by section two of the Coinage Act, 1891 (54 & 55 Vict. c. 72), shall, as regards coins made after the commencement of this Act, have effect as though for the words "thirty-seven-fortieths fine silver, three-fortieths alloy; or millesimal fineness 925," in the column relating to standard fineness there were substituted the words "one-half fine silver, one-half alloy; or millesimal fineness 500," and as though for the figure "4" in the column relating to the remedy allowance in respect of millesimal fineness there were substituted the figure "5."

(2) Where by virtue of a proclamation made under section eleven of the Coinage Act, 1870, the whole or any part of that Act is in force in any British possession at the date of the commencement of this Act, that Act shall as from that date apply in that possession as amended by this Act, and any Order in Council or proclamation directing that any coins which under the Coinage Acts, 1870 and 1891, are legal tender in the United Kingdom shall be current and legal tender in any British possession shall extend to coins which are legal tender in the United Kingdom under those Acts as amended by this Act.

Provided that the provisions of this sub-section shall not apply as respects any self-governing dominion unless and until those provisions are adopted as regards the dominion by a proclamation of the governor-general or governor.

2. *Amendment of law with respect to standard trial plates of silver.*—The standard trial plates of silver to be used for the purpose of the trial of the pyx shall, instead of being made of a standard fineness in conformity with the provisions of the Coinage Acts, 1870 and 1891, be made of pure silver.

3. *Short title and construction.*—(1) This Act may be cited as the Coinage Act, 1920, and shall be construed as one with the Coinage Acts, 1870 to 1891, and those Acts and this Act may be cited together as the Coinage Acts, 1870 to 1920.

(2) In this Act the expression "self-governing dominion" means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

## CHAPTER 4.

### COAL MINES (EMERGENCY) ACT, 1920.

An Act to make temporary provision on account of the emergency arising from the war as to the profits and control of, wages in, and advances in respect of, colliery undertakings, and for purposes connected therewith.  
(31st March, 1920.)

## CHAPTER 5.

### WAR EMERGENCY LAWS (CONTINUANCE) ACT, 1920.

An Act to continue temporarily certain emergency enactments and regulations, and to make provision with respect to the expiration or revocation of emergency enactments and instruments made thereunder.  
(31st March, 1920.)

Whereas the enactments mentioned in the first column of the First Schedule to this Act are subject to the limitations mentioned in the second column of that schedule, and it is expedient that they should be extended in the manner hereinafter appearing :

And whereas the Defence of the Realm Regulations will expire at the termination of the present war, and it is expedient that certain of those regulations should continue in force thereafter :

And whereas it is expedient to make provision as to the effect of the expiry of enactments and other instruments which will expire on, or on the expiration of an interval after, the termination of the present war :

Now, therefore, be it enacted, &c. :—

1. *Continuance of certain emergency Acts.*—The limitations on the continuance or operation of the enactments mentioned in the first column of the First Schedule in this Act shall be modified in the manner and to the extent specified in the third column of that schedule.

2. *Continuance of certain Defence of the Realm Regulations.*—(1) The Defence of the Realm Regulations mentioned in the first column of the Second Schedule to this Act shall, subject to the limitations, qualifications and modifications specified in the third column of that schedule, continue in force until the thirty-first day of August nineteen hundred and twenty, and as so continued shall have effect as if enacted in this Act :

Provided that it shall be lawful for His Majesty in Council to revoke in whole or in part any of the regulations so continued as soon as it appears to him that consistently with the national interest any such regulation can be so revoked :

Provided also that no such regulation as so continued shall have greater validity than it had before the time when but for this Act it would have expired.

(2) If after the termination of the present war any person is guilty of an offence under any regulation made under the Defence of the Realm Consolidation Act, 1914 (5 & 6 Geo. 5, c. 8), for the time being in force, he shall be liable on conviction under the Summary Jurisdiction Acts to imprisonment with or without hard labour for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, and the court may in any case order that any goods or money in respect of which the offence has been committed be forfeited :

Provided that—

(a) a prosecution for any such offence shall not in England and Ireland be instituted except by or with the consent of the Attorney-General for England or Ireland, as the case may be, or by an officer of the police, or by a person acting in each case under a special authority from the Government department concerned; and

(b) in Ireland the court of summary jurisdiction, when hearing and determining an information or complaint in respect of any such offence, shall, in the Dublin metropolitan police district, be constituted of one of the divisional justices of that district, and elsewhere be constituted of a resident magistrate sitting with one or more other resident magistrates, and the court of quarter sessions when hearing and determining an appeal against a conviction of a court of summary jurisdiction for any such offence shall be constituted of the recorder or county court judge sitting alone.

(3) The Defence of the Realm (Food Profits) Act, 1918 (8 & 9 Geo. 5, c. 9), shall continue in force so long as any order made by the Food Controller under the powers continued by this Act regulating the price of any goods continues in force.

(4) If immediately before the passing of this Act a proclamation suspending the operation of section one of the Defence of the Realm (Amendment) Act, 1915 (5 & 6 Geo. 5, c. 34), in respect of any area is in force, then, as respects that area, all the Defence of the Realm Regulations then in force shall, subject to the power of His Majesty in Council by order to revoke any of such regulations, continue in force until the expiration of twelve months after the termination of the present war, subject, as respects any regulations modified by the Second Schedule to this Act, to the modifications therein contained, save so far as those modifications limit the operation of the regulations, and those regulations

as so continued shall have effect as if enacted in this Act; and in that area offences against the said regulations shall, notwithstanding anything hereinbefore contained, continue to be triable and punishable in like manner as if the Defence of the Realm Consolidation Act, 1914, and the Acts amending that Act continued in force, except that where any such offence is tried by a court of summary jurisdiction or, on appeal, by a court of quarter sessions, the court shall be constituted as hereinbefore provided:

Provided that no such regulation as so continued shall have greater validity than it had before the time when but for this Act it would have expired:

Provided that, if the said proclamation is revoked before the expiration of the said twelve months, this section shall, as from the date of the revocation, apply in respect of the area in question in like manner as it applies in respect of the rest of the United Kingdom.

3. *Effect of expiration of emergency legislation.*—(1) Where any Act passed during the continuance of the present war or any order, regulation, or other instrument made thereunder expires at the termination of the present war or on the lapse of any time thereafter such expiry shall not—

(a) affect the previous operation of any enactment or instrument so expiring or anything duly done or suffered under any enactment or instrument so expiring; or

(b) affect any right, privilege, exemption, obligation or liability acquired, accrued, or incurred under any enactment or other instrument so expiring; or

(c) affect any penalty, forfeiture, or punishment incurred under any enactment or instrument so expiring; or

(d) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed as if the enactment or instrument had not expired, with this qualification as respects proceedings for offences under the Defence of the Realm Regulations, that anything required thereunder to be done by, to, or before the competent naval or military authority may be done by, to, or before such officer as the Admiralty or Army Council may appoint for the purpose.

(2) Where any such Act, order, regulation, or other instrument so expiring contains any provision making it an offence to disclose any information obtained in pursuance of the powers conferred by the Act, order, regulation, or instrument, or preserving any right which may be prejudiced by the communication of information required to be furnished thereunder, that provision shall notwithstanding such expiry continue in force.

4. *Application to Isle of Man.*—(1) Where any enactment or regulation continued by this Act has by Order in Council made under the Isle of Man (War Legislation) Act, 1914 [4 & 5 Geo. 5, c. 62], been extended to the Isle of Man, the continuance effected by this Act shall apply to the enactment or regulation as so extended.

(2) For removing doubts, it is hereby declared that any Order in Council made under the said Act extending any enactment or regulation to the Isle of Man may be revoked by Order in Council.

5. *Short title.*—This Act may be cited as the War Emergency Laws (Continuance) Act, 1920.

#### SCHEDULES.

##### FIRST SCHEDULE.

[Section 1.]

Enactment.	Nature and Extent of Limitation.	Nature and Extent of Extension.
Patents, Designs and Trade Marks (Temporary Rules) Act, 1914 (4 & 5 Geo. 5, c. 27).	Limited to the continuance of the present state of war in Europe and for a period of six months thereafter.	To continue, so far as it relates to the extension of the time within which acts or things may or are required to be done under the Patents and Designs Act, 1907, or the Trade Marks Act, 1905, until the tenth day of January nineteen hundred and twenty-one as if in section three thereof for the words "during the continuance of the present state of war in Europe and for a period of six months thereafter" there were substituted the words "until the tenth day of January nineteen hundred and twenty-one."

Enactment.	Nature and Extent of Limitation.	Nature and Extent of Extension.
Special Constables Act, 1914 (4 & 5 Geo. 5, c. 61)	Limited to special constables appointed during the present war	To extend to special constables appointed during a period of one year after the termination of the present war, as if in section 1 (1) after the words "during the present war" there were inserted the words "or a period of twelve months after the termination thereof."
The Courts Emergency Powers Act, 1914 (4 & 5 Geo. 5, c. 78), and the enactments to be read or construed as one with that Act, viz., the Courts Emergency Powers (Amendment) Act, 1916 (6 & 7 Geo. 5, c. 13), as amended by the Courts (Emergency Powers) Act, 1917, s. 8, the Courts Emergency Powers (No. 2) Act, 1916 (6 & 7 Geo. 5, c. 18).	Limited to the continuance of the present war and a period of six months thereafter	To continue for a period of twelve months after the termination of the present war as if in s. 2 (4) for the words "six months" there were substituted the words "twelve months"
Local Authorities (Disqualification Relief) Act, 1914 (5 Geo. 5, c. 10).	Limited to the duration of the present war.	To continue for a period of twelve months after the termination of the present war as if in section 1 after the words "during the present war" there were inserted the words "and a period of twelve months after the termination thereof."
Execution of Trusts (War Facilities) Act, 1914 (5 Geo. 5, c. 13), as amended by the Execution of Trusts (War Facilities) Amendment Act, 1915 (5 & 6 Geo. 5, c. 70).	Limited to trustees engaged on war service as defined by the Act.	To extend to trustees engaged on war service as if at the end of the definition of war service in s. 1 (2) the following paragraph was added:— "(d) if during the period of twelve months after the termination of the present war he is engaged on service abroad as a member of the military, naval, or air forces of the Crown, or engaged on service in any work abroad of the British Red Cross Society or the Order of St. John, or any other body with similar objects."
Special Acts (Extension of Time) Act, 1915 (5 & 6 Geo. 5, c. 72).	Limited to applications made during the continuance of the present war or a period of six months thereafter	To extend to applications made during twelve months after the termination of the war, as if in s. 2 (3) for the words "six months" there were substituted the words "twelve months."
Evidence (Amendment) Act, 1915 (5 & 6 Geo. 5, c. 94).	S. 1 limited to the continuance of the present war	S. 1 to continue for a period of twelve months after the termination of the present war, as if after the words "during the continuance of the present war" there were inserted the words "and a period of twelve months after the termination thereof."



Enactment.	Nature and Extent of Limitation.	Nature and Extent of Extension.	Number of Regulation.	Subject Matter.	Limitations, Qualifications and Modifications subject to which Extension is Made.
Courts (Emergency Powers) (Amendment) Act, 1916 (6 & 7 Geo. 5, c. 13) as amended by the Courts (Emergency Powers) Act, 1917, s. 8.	Limited to have effect in favour of officers and men of His Majesty's forces.	To extend and to be deemed always to have extended so as to have effect in favour of persons who, having served as officers or men in any of His Majesty's forces during the present war, have ceased to be members of those forces for a period of six months after the date when they so ceased, but in no case beyond the expiration of twelve months after the termination of the present war.	2 A3	Power to take possession of premises for purposes of the Ministry of Pensions or the Ministry of Labour.	So far as relates to the power of taking possession of land, including the buildings thereon, certified to be required for carrying into effect the Naval and Military War Pensions, &c., Act, 1915: Provided that such power shall not be exercised unless after due inquiry the Minister of Labour or the Minister of Pensions (as the case may be) is satisfied that the premises cannot otherwise be reasonably obtained, and has laid a report stating the circumstances of the case and particulars of the proposed exercise of the power before both Houses of Parliament, and if either House within the next twenty-one days on which that House has sat after the report has been laid before it passes a resolution against the exercise of the power proposed, no further action shall be taken thereon, but without prejudice to the making of any new proposal.
Summer Time Act, 1916 (6 & 7 Geo. 5, c. 14).	Power of making Orders in Council exercisable only during the continuance of the present war.	Power of making Orders in Council to continue during a period of one year after the termination of the present war, as if in s. 1 (2) after the words "during the continuance of the present war" there were inserted the words "and a period of twelve months after the termination thereof."			
Courts (Emergency Powers) Act, 1917 (7 & 8 Geo. 5, c. 25).	S. 3 limited to cases where non-fulfilment of a contract is due to compliance on the part of any person with any requirement, &c. made for the purposes of the present war.	To extend to cases where non-fulfilment of a contract is due to compliance on the part of any person with any regulation continued by this Act or with any requirement, order or restriction made, issued, given or imposed thereunder.	2 B	Power to requisition war material, stores, &c.	So far as relates to the powers of the Food Controller, and to flax.
	S. 9 limited to contracts and agreements entered into during the present war.	To extend to contracts and agreements entered into during the period of twelve months after the termination of the present war as if in that section after the words "during the present war" there were inserted the words "or a period of twelve months after the termination thereof" and as if the section extended to property requisitioned or taken under the regulations continued by this Act.	2 BB	Power to vary terms of sub-contracts.	So far as relates to cases where certificates or orders have at the passing of this Act been issued.
			2 C	Power to take possession of and fell trees.	So far as relates to timber of which possession has been taken at the passing of this Act.
			2 E	Power to regulate dealings in war material, stores, &c.	So far as relates to the powers of the Food Controller, and to flax and clinical thermometers.
			2 F to 2 J	Powers of Food Controller.	
			2 JJ	Power to regulate articles of commerce other than food.	So far as relates to coal (including anthracite and all other kinds of coal, coke, briquettes, and any other solid fuel of which coal or coke is a constituent), gas, and electricity.
			2 JJJ	Power to regulate the transport of goods by road.	As if in sub-section (1) the words "and thereby furthering the successful prosecution of the war or otherwise securing the defence of the realm" were omitted.
			2 O	Keeping of pigs	Subsection (5), and so far as relates to permissions granted and in force at the date of the passing of this Act, the remainder of the regulation.
			5 A	Power to take over control and maintenance of highways.	So far as relates to highways which have been damaged by Government use before the passing of this Act, and as if for the words "for the purpose of securing the public safety and the defence of the realm" there were substituted the words "in the national interests."
SECOND SCHEDULE. [Section 2.] REGULATIONS CONTINUED.					
Number of Regulation	Subject Matter.	Limitations, Qualifications and Modifications subject to which Extension is Made.			
1	Ordinary avocations of life, &c., to be interfered with as little as possible.				

Number of Regulation.	Subject Matter.	Limitations, Qualifications and Modifications subject to which Extension is Made.	Number of Regulation.	Subject Matter.	Limitations, Qualifications and Modifications subject to which Extension is Made.
6 A	Power to exempt factories and workshops from provisions of Act of 1901.	So far as relates to orders authorizing, subject to the weekly limit of hours allowed by Act of 1901— (a) Employment of women and young persons in shift- (not being night shifts) averaging not more than eight hours; (b) Employment of women and young persons at special times in creameries and cheese-making works; (c) Night employment of male young persons over 17 years of age in wire-drawing; (d) Minor adjustments of times of starting and stopping work and of meal intervals.	18 A	Prohibition on communications with agents of foreign powers	
			21 A	Provisions for the protection of homing pigeons.	Except paragraph (e).
			30 A	Restriction on dealings in war material.	
			30 E, 30 EE, 30 EEE.	Provisions as to coinage and bullion.	
			30 F	Restrictions on new capital issues.	Except sub-sections (1), (2), (3), and (5) and paragraph (b) of sub-section (4).
7 B	Power to regulate traffic on railways.	Except paragraphs (b) to (j) of subsection (1) and as if the words "with a view to the successful prosecution of the war" were omitted.	31	Restriction on import and removal of arms, ammunition, and explosives	
8 DD	Power to issue motor drivers' licences to males between 16 and 17.	So far as relates to existing licences issued thereunder.	33	Restrictions on possession of explosives and highly inflammable liquids.	
9 G	Power to control coal mines.		34	Provisions as to the storage of petroleum and other highly inflammable liquids.	
9 GGG	Power to authorize the working of seams of coal in certain circumstances.	So far as relates to any seams with respect to which existing authorities have been issued.	35 A	Power to make rules for securing the safety of factories, &c.	So far as relates to factories in which dangerous operations in connection with the breaking up of ammunition are carried on.
9 H	Power to control canals.	So far as relates to canals with respect to which existing orders have been issued, and as if the words "for securing the public safety and the defence of the realm" were omitted therefrom.	37 B	Duty of providing wireless telegraph apparatus on ships.	
10 B	Power to restrict hours in the evening during which business may be carried on.		39 BBB	Powers of Shipping Controller	
11 A	Power to restrict lighting with a view to increased supply of light and power for purpose of production.	So far as relates to lights used solely or mainly for the purposes of advertisement, and as if the words "necessary for the successful prosecution of the war" were omitted.	39 C	Regulation of traffic at ports.	As if the words "whereby the successful prosecution of the war may be endangered" were omitted therefrom.
12 D	Power to prohibit whistling and other noises.		39 CC	Restrictions on power to purchase ships.	
14 H	Restriction on the use of assumed names.		39 DD	Powers of Shipping Controller	
15 C	Power to require particulars as to businesses.	So far as may be necessary in respect of any contract or requisition entered into or made during the war.	39 FF	Provisions as to registry of British ships.	
17	Suspension of restrictions on powers of making byelaws.		39 G	Restriction on the supply, preparation and use of cocaine and opium.	
			40 B	Purchase and distribution of drugs designed for the treatment of venereal disease.	As if the words "during the continuance of the war" were omitted therefrom.
			40 BB	Unauthorized use of uniform, badges, etc.	
			41		

Number of Regulation.	Subject Matter.	Limitations, Qualifications and Modifications subject to which Extension is Made.	Number of Regulation.	Subject Matter.	Limitations, Qualifications and Modifications subject to which Extension is Made.
42 A	Provisions against persons inducing members of the forces to contravene the King's Regulations, etc.		55	Powers of arrest.	As if, as respects Great Britain, for that regulation, the following regulation was substituted:— Any person who is found committing an offence, or who is reasonably suspected of having committed or being about to commit an offence under Regulation 18A, may be arrested without warrant by a constable or by a person authorised for the purpose by a Secretary of State, or in Scotland by the Secretary for Scotland.
43 A	Obstruction of members of the forces in the execution of their duties.		55 B	Power to provide for co-operation of fire brigades.	Except so far as relates to air raids.
45	Forgery, personation, and other fraudulent offences.		59	Saving of powers.	
45 F	Provisions for securing discipline of the allied forces in the United Kingdom.		60	Publication of orders, &c.	
47, 48, and 48A	General provisions as to offences.	So far as relates to offences against regulations continued by this Act.	61	Production of permits.	
51	Powers of search.	As if, as respects Great Britain, for that regulation the following regulation were substituted:—  If a justice of the peace, including in Scotland the sheriff, is satisfied on information on oath that there is reasonable ground for suspecting that an offence against these regulations has been or is about to be committed, he may grant a search warrant authorizing any constable named in the warrant to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and to seize anything found therein which is evidence of an offence against these regulations having been or being about to be committed or with regard to or in connection with which he has reasonable ground for suspecting that an offence against these regulations has been or is about to be committed.  Where the alleged offence is an offence under Regulation 18A and it appears to a superintendent of police or any person upon whom the powers of a superintendent of police are for the purposes of this regulation conferred by a Secretary of State, or in Scotland by the Secretary for Scotland, that the case is one of great emergency, and that in the interest of the State immediate action is necessary, he may, by a written order under his hand, give to any constable the like authority as may be given by the warrant of a justice under this regulation.	62	Definitions.	As if for the words "acting in naval or military co-operation" there were substituted the words "which have acted in naval or military co-operation."
			63	Citation and construction.	
			66	Effect of revocation.	

*Note.*—For the purposes of this Schedule, "existing" means existing and in force at the date of the passing of this Act.

## CHAPTER 6.

## TREATIES OF PEACE (AUSTRIA AND BULGARIA) ACT, 1920.

An Act to carry into effect Treaties of Peace between His Majesty and certain other powers.  
[27th April, 1920.]

Whereas, at St. Germain-en-Laye, on the tenth day of September, nineteen hundred and nineteen, a Treaty of Peace with Austria, including protocols and declarations annexed thereto, was signed on behalf of His Majesty:

And whereas at Neuilly-sur-Seine, on the twenty-seventh day of November, nineteen hundred and nineteen, a Treaty of Peace with Bulgaria, including a protocol annexed thereto, was signed on behalf of His Majesty:

And whereas copies of the said Treaties have been laid before each House of Parliament, and it is expedient that His Majesty should have power to do all such things as may be proper and expedient for giving effect to the said Treaties:

Be it enacted, &c. :—

1. *Power of His Majesty to give effect to Peace Treaties.*—(1) His Majesty may make such appointments, establish such offices, make such Orders in Council, and do such things as appear to him to be necessary for carrying out the said Treaties, and for giving effect to any of the provisions of the said Treaties.

(2) Any Order in Council made under this Act may provide for the imposition, by summary process or otherwise, of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act, but may be varied or revoked by a subsequent Order in Council, and shall not be deemed to be a statutory rule within the meaning of section one of the Rules Publication Act, 1893 [56 & 57 Vict. c. 66]:

Provided that, if an Address is presented to His Majesty by either House of Parliament within the next twenty-one days on which that House has sat after any Order in Council made under this Act has been laid before it praying that the Order or any part thereof may be annulled, His Majesty in Council may annul the Order or such part thereof, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.



(3) Any expenses incurred in carrying out the said Treaties shall be defrayed out of moneys provided by Parliament.

2. *Short title.*—This Act may be cited as the Treaties of Peace (Austria and Bulgaria) Act, 1920.

### CHAPTER 7.

#### ARMY AND AIR FORCE (ANNUAL) ACT, 1920.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force, and to repeal certain provisions in section twelve of the Air Force (Constitution) Act, 1917.

[27th April, 1920.]

### CHAPTER 8.

#### HOUSE-LETTING AND RATING (SCOTLAND) ACT, 1920.

An Act to further amend the Law as to the Letting and Rating of small Dwelling-houses in Scotland.

[20th May, 1920.]

### CHAPTER 9.

#### PUBLIC UTILITY COMPANIES (CAPITAL ISSUES) ACT, 1920.

An Act to provide for the variation of the provisions regulating the raising of Capital by Companies carrying on certain statutory undertakings.

[20th May, 1920.]

Be it enacted, &c. :—

1. *Powers under provisions of special Acts and Orders as to capital issues.*—(1) Where a company are authorized by special Act to raise capital by the issue of stock or the borrowing of money for the purpose of carrying on any undertaking to which this Act applies, or where the powers of a company to raise capital or borrow money for the purpose of carrying on such an undertaking are limited by the special Act, the company may, if they think fit, notwithstanding anything in the special Act, with the consent of the appropriate Government department, which consent may be given subject to such terms and conditions as appear to the department to be expedient—

(a) offer for subscription by the public any such stock and at a fixed price lower than the nominal amount of the stock, and all allotments in respect of such stock shall be made as nearly as possible *pro rata*;

Provided that, if in any case, where the amount of money to be raised does not exceed twenty thousand pounds, it is proved to the satisfaction of the appropriate department that the observance of any of the limitations so imposed on the offering for subscription or allotment of stock would prejudice the success of the issue or the realisation of the best price obtainable, the department may dispense with such limitation;

(b) where the special Act authorizes the creation and issue of ordinary stock, create and issue redeemable or irredeemable preference stock in lieu thereof;

(c) where the special Act authorizes the creation and issue of irredeemable preference or debenture stock, create and issue redeemable preference or debenture stock;

(d) where the special Act authorizes the creation and issue of debenture stock or the borrowing of money to a limited extent, create and issue debenture stock or borrow money to an extent not exceeding half the share capital for the time being issued and paid up;

(e) pay a higher rate of dividend or interest on preference stock or debenture stock or money borrowed than that authorized by the special Act;

Provided that—

(i) the department shall require a company making application to them for their consent under this Act to give notice of the application in writing to the council of each county, borough, or urban or rural district within which any part of the undertaking or limits of supply of the company is situate, and of the manner in which and time within which representations may be made with respect to the application, and the department shall consider any representations which may be duly made;

(ii) preference stock, whether redeemable or otherwise, shall not be issued under the authority of this Act to a greater extent than shall be sufficient to produce, including any premium which may be obtained on the sale thereof, an amount equal to the nominal amount of the stock authorized to be issued by the special Act or, as the case may be, the amount authorized to be raised by the special Act; and

(iii) no consent given by a department in pursuance of this Act shall have effect until a report of the circumstances of the case has been presented to Parliament by the department and has lain upon the table of each House of Parliament for a period of not less than twenty-one days during which the House has sat, and, if either House during that period presents an Address to His Majesty praying that consent may be withheld, no such consent shall be given; and

(iv) the provisions contained in the Schedule to this Act shall apply in respect of redeemable preference or debenture stock issued in pursuance of this Act; and

(v) preference stock issued under the authority of this Act shall not affect any preference or priority as to the payment of dividends or capital enjoyed by any preference stock existing at the date of such issue, except with the sanction of three-fourths of the votes of the holders of that stock present (personally or by proxy) at a meeting of those stockholders specially convened for the purpose; and

(vi) debenture stock issued under the authority of this Act shall not affect any priority as to the payment of interest or capital enjoyed by any debenture stock existing at the date of that issue except with the sanction of three-fourths of the votes of the holders of such stock.

(2) The undertakings to which this Act applies are undertakings for the supply of gas, water, hydraulic power, and electricity, and tramway undertakings, including light railways constructed wholly or mainly on public roads.

(3) For the purposes of this Act—

The expressions "stock" and "stockholder" include shares and shareholder;

The expression "special Act" includes Provisional Orders and orders having the force of an Act of Parliament;

The expression "appropriate Government department" means in relation to gas, water and hydraulic power undertakings the Board of Trade, and in relation to electricity and tramway undertakings the Minister of Transport.

2. *Short title and duration.*—(1) This Act may be cited as the Public Utility Companies (Capital Issues) Act, 1920.

(2) This Act shall continue in force for five years and no longer, unless Parliament otherwise determines, but the expiration of this Act shall not affect the validity of anything done in pursuance thereof.

### SCHEDULE.

#### [Section 1.]

#### PROVISIONS RELATING TO REDEEMABLE STOCK.

1. The company may create and issue any preference or debenture stock which they are authorized to create and issue so as to be redeemable on such terms and conditions as may be specified in a resolution of the company passed at a special meeting convened for the purpose.

(2) If it is so provided in the resolution, the company may—

(i) call in and pay off the stock, or any part thereof, at one hundred pounds for every one hundred pounds stock at any time before the date fixed for redemption;

(ii) redeem the stock, or any part thereof, either by paying off the stock or by issuing to any stockholder, subject to his consent, other stock in substitution therefor, and may, for the purpose of providing money for paying off the stock or providing substituted stock, create and issue new stock (redeemable and irredeemable) or re-issue stock originally created and issued as aforesaid; so, however, that the creation and issue for that purpose of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the company are for the time being authorized to create except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

3. Save as hereinafter provided, the company shall not redeem out of revenue any preference or debenture stock so created and issued as aforesaid, but the company may, if they think fit at any time during a period of ten years from the creation and issue of any such preference or debenture stock, redeem out of revenue to an amount to be approved by the appropriate Government department, any such stock created and issued for the purpose of defraying abnormal reparation expenditure due to circumstances arising out of the present war, and such redemption may be effected either by way of the repayment by annual instalments of the said sum, or by way of a sinking fund calculated to pay off the same at the expiration of the period aforesaid.

### CHAPTER 10.

#### NATIONAL HEALTH INSURANCE ACT, 1920.

An Act to amend the Acts relating to National Health Insurance.

[20th May, 1920.]

Be it enacted, &c. :—

1. *Provisions as to contributions.*—(1) The contributions payable under the Act of 1911 in respect of employed contributors shall be at the rates set out in the First Schedule to this Act, instead of at the rates specified in the Second Schedule to the Act of 1911 [1 & 2 Geo. 5, c. 55] and references in any enactment to the said Second Schedule or to Part I. or Part II. of that Schedule shall be construed as references to the First Schedule to this Act or to Part I. or Part II. of that Schedule respectively.

(2) The proviso to sub-section (1) of section four of the Act of 1911 (which provides for the payment out of moneys provided by Parliament of part of the contributions payable in respect of low-wage earners) shall cease to have effect.

(3) Section ten of the Act of 1918 [7 & 8 Geo. 5, c. 62] (which relates to the rate of the employer's contribution in the case of an employee holding a certificate of exemption), shall have effect as though fivepence and fourpence were therein substituted for threepence and twopence halfpenny respectively.

(4) The provisions of section three of the Act of 1911 (which prescribes

the proportions in which the funds for providing benefits and defraying expenses of administration are to be derived from contributions and from moneys provided by Parliament) shall have effect as though the words "or in the case of women three-fourths" and the words "or in the case of women one-quarter" were omitted therefrom.

(5) The provisions of paragraphs (b) and (c) of sub-section (1) of section twenty-four of the Act of 1918 (which provides for deductions from the pay of seamen, marines, and soldiers, on account of contributions paid in respect of them) shall cease to have effect.

**2. Rates of sickness, disablement and maternity benefits.**—(1) The ordinary rate of sickness benefit shall be in the case of a man the sum of fifteen shillings a week, and in the case of a woman the sum of twelve shillings a week, throughout the whole period of twenty-six weeks, and the rate of disablement benefit shall be a sum of seven shillings and sixpence a week for men and women alike.

(2) The amount of maternity benefit shall be a sum of forty shillings instead of a sum of thirty shillings.

In the foregoing provision the expression "maternity benefit" includes maternity benefit payable under the provisions of sub-section (1) of section twenty-two of the Act of 1918.

(3) Sub-section (1) of section twelve of the Act of 1918 (which provides for reduced rates of sickness benefit in certain cases) shall have effect as if nine shillings and seven shillings and sixpence were therein substituted for six shillings and five shillings respectively.

(4) Every scheme in force under section seventy-two of the Act of 1911 shall continue to have effect as if the rates of benefit had not been altered by this section, and no such scheme shall be amended so as to provide for any benefit provided by the society being reduced by an amount greater than the amount of the similar benefit under the Act of 1911 at the rate in force before the commencement of this Act.

**3. Power of Minister to withdraw certificates and determine schemes.**

—(1) Where it appears to the Minister that, by reason of the increase in the rates of sickness and disablement benefits for which provision is made by this Act, the terms of any employment as respects which a certificate has been given under paragraph (b) or paragraph (c) of Part II. of the First Schedule to the Act of 1911 are no longer such as to secure provision in respect of sickness and disablement on the whole not less favourable than the corresponding benefits conferred by Part I. of that Act, the Minister may by order withdraw the certificate, and where any such certificate is so withdrawn the employment shall cease to be an excepted employment.

(2) Where the Minister is satisfied as regards any scheme which has been confirmed under section thirteen of the Act of 1911 that, by reason of the increase in the rates of sickness benefit and disablement benefit for which provision is made by this Act, the value of the benefits conferred by the scheme is no longer equivalent to the value of the benefits for which they are substituted, the Minister may by order revoke the scheme.

(3) An order under this section shall specify the date as from which the certificate is to be withdrawn or the scheme is to be revoked, as the case may be, and may contain such other provisions as appear to the Minister necessary or expedient for giving effect to the order.

(4) The withdrawal of a certificate or the revocation of a scheme under this section shall be without prejudice to the power of the Minister to grant a new certificate or to confirm a new scheme.

**4. Sanatorium benefit discontinued except in Ireland.**—(1) Sanatorium benefit shall, except as regards Ireland, cease to be included among the benefits conferred by Part I. of the Act of 1911.

(2) The Minister may, in connection with the discontinuance of sanatorium benefit, make provision by regulations—

(a) for the manner in which any surplus standing to the credit of the Sanatorium Benefit Fund of any insurance committee, after all liabilities in respect of the expenses of sanatorium benefit have been met, is to be disposed of, and in which any deficit in the Sanatorium Benefit Fund of any such insurance committee is to be met, and for making such other financial adjustments as appear necessary for carrying this section into effect; and

(b) for determining any agreements entered into by insurance committees under any enactment relating to sanatorium benefit which is repealed by this Act or for transferring to other persons, on such conditions as may be prescribed, any rights or liabilities under any such agreements; and

(c) with respect to the disposal by insurance committees of any registers, records or other documents in their possession relating to the administration of sanatorium benefit or to persons who have been in receipt of sanatorium benefit.

(3) The expression "medical treatment and attendance" in paragraph (a) of sub-section (1) of section eight of the Act of 1911 includes treatment and attendance in respect of tuberculosis.

(4) Sub-section (3) of section twenty-four of the Act of 1918 (which relates to the sanatorium benefit of persons in the Naval and Military service of the Crown), shall cease to have effect.

**5. Amendment of financial provisions.**—(1) The sum to be retained by the Minister under sub-section (3) of section fifty-five of the Act of 1911 out of each weekly contribution shall, in the case of an insured person being a man, be twopence and one-third of a penny instead of one penny and five-ninths of a penny, and, in the case of an insured person being a woman, be one penny and eleven-twelfths of a penny instead of one penny and one-sixth of a penny.

(2) The amounts to be carried to the Contingencies Fund and the Central Fund under sub-section (2) of section one of the Act of 1918 shall be calculated as if in the First Schedule to that Act the words

"in the case of men two-thirds of a penny and in the case of women one halfpenny" were substituted for the words "in the case of men four-ninths and in the case of women three-ninths of a penny."

(3) Ten shillings shall be substituted for eight shillings as the maximum amount which may, under sub-section (2) of section two of the Act of 1918, be charged on the Women's Equalisation Fund in respect of each married woman.

(4) The amount which the Minister under the regulations made in pursuance of paragraph (b) of sub-section (1) of section fifty-six of the Act of 1911 is to be required to pay over to a society for investment or to retain on behalf of a society for investment shall in all cases be one-half of the sum carried to the credit of the society in the investment account.

**6. Amendment of sub-section (1) of section 10 of National Insurance Act, 1913.**—Two hundred and fifty pounds shall be substituted for one hundred and sixty pounds in sub-section (1) of section ten of the National Insurance Act, 1913 [3 & 4 Geo. 5, c. 37], which relates to the medical benefit of voluntary contributors.

**7. Provision for cost of medical benefit and for administration expenses of insurance committees.**—(1) Sub-section (6) of section fifteen of the Act of 1911 (which makes provision for the payment to insurance committees by approved societies of sums in respect of medical benefit and the cost of administration thereof), shall cease to have effect, and subject to the provisions of this section there shall be paid in each year to insurance committees in Great Britain out of the funds out of which benefits are payable under Part I. of the Act of 1911, on account of the cost of medical benefit a sum of nine shillings and sixpence, and on account of the administration expenses of those committees such sum not exceeding fourpence as may be prescribed in respect of each of the total number (calculated in the prescribed manner) of the persons who are entitled to medical benefit as being or having been members of an approved society.

(2) Payments under this section shall be made in accordance with regulations to be made under sub-section (1) of section fifty-six of the Act of 1911, and any regulations so made may make special provision as to the sum to be paid on account of the cost of the medical benefit of, and otherwise with respect to, members of an approved society who are persons employed as masters, seamen, or apprentices to the sea service or the sea fishing service serving on foreign-going ships or ships engaged in regular trade on foreign stations.

(3) Paragraph (d) of section forty-two of the Act of 1911 (which makes provision as to the sum payable in respect of deposit contributors for the cost of medical benefit), shall have effect as though the words "as may be prescribed" were therein substituted for the words "as the insurance committee may, with the consent of the Insurance Commissioners, determine."

(4) If the special circumstances of any county or county borough are such that the Minister considers that the travelling expenses of the members of the insurance committee for that county or county borough should be repaid to them by the committee, the Minister may authorize the committee to repay the whole or any part of any such expenses, and any sum so repaid shall be treated as part of the administration expenses of the committee.

(5) Sub-section (3) of section thirty-one of the Act of 1913 (which makes provision for the payment by insurance committees of subscriptions to the funds of an association of insurance committees) shall have effect as though the words "not exceeding in respect of any year ten pounds or such greater amount as the Minister approves, not exceeding twenty pounds," were substituted for the words "not exceeding ten pounds in any one year."

(6) Sub-section (2) of section thirty-three of the Act of 1913 (which makes provision for the administrative expenses of committees elected by medical practitioners and persons supplying drugs and medicines) shall have effect as though the words "such a sum as may be determined by the insurance committee with the consent of the Minister not exceeding twopence in all in respect of each year in respect of each insured person entitled to obtain medical attendance and treatment from the practitioners who have entered into agreement with the insurance committee" were substituted for the words "such a sum not exceeding one penny in all in respect of each insured person entitled to obtain medical attendance and treatment from the practitioners who have entered into agreement with the insurance committee as may be determined by the insurance committee with the consent of the Minister."

(7) There shall be paid in each year to insurance committees in Ireland out of the funds out of which benefits are payable under Part I. of the Act of 1911 on account of the administration expenses of those committees such sum not exceeding twopence as may be prescribed in respect of each of the total number (calculated in the prescribed manner) of the persons who are entitled to sanatorium benefit as being or having been members of an approved society.

(8) This section shall be deemed to have had effect as from the first day of January, nineteen hundred and twenty, and regulations made for the purpose of this section may contain a provision directing that all or any of the provisions of the regulations shall, with such modifications as appear necessary or expedient, apply and be deemed always to have applied as from that date.

**8. Amendment as to administration of medical benefit.**—(1) The proviso to sub-section (2) of section fifteen of the Act of 1911 (which makes provision for cases in which there is not an adequate medical



service in any area), shall have effect as though references therein to an area included references to any part of an area and as though for the words "a sum equal to the estimated cost of his medical benefit during that period" there were substituted the words "a sum bearing the same proportion to nine shillings and sixpence as that period bears to a whole year."

(2) In section eleven of the Act of 1913 (which relates to alternative arrangements for the panel system), the words from "so calculated" to the end of the section shall be repealed.

**9. Procedure on appeal against decision of insurance committee.**—Regulations made under section fifteen of the Act of 1911 may provide for the procedure on any appeal to the Minister against a decision of an insurance committee given under any regulations so made, and may for that purpose apply, with or without modifications, any of the provisions of the Arbitration Act, 1889 (52 & 53 Vict. c. 49).

**10. Amendment of law as to determination of questions.**—(1) In paragraph (a) of sub-section (1) of section sixty-six of the Act of 1911 (which relates to the determination of questions) after the word "Act" there shall be inserted the words "or whether a person is or was a person employed within the meaning of this Act," and in proviso (i) the words "to the county court with a further right of appeal" shall be repealed.

(2) The Minister may, on new facts being brought to his notice, revise any decision given by him or by the Insurance Commissioners under section sixty-six of the Act of 1911, other than a decision against which an appeal is pending or as respects which the time for appealing has not expired, and an appeal shall lie against any such revised decision in the same manner as against an original decision.

(3) Provision may be made by rules of court for regulating appeals and references to the High Court under section sixty-six of the Act of 1911, and those rules shall provide for limiting the time within which an appeal may be brought and for the determination in a summary manner of any such appeals or references, and for requiring notice of any such appeals to be given to the Minister.

(4) The Minister shall be entitled to appear and be heard on any appeal or reference under section sixty-six of the Act of 1911.

(5) Sub-section (16) of section eighty of the Act of 1911 is hereby repealed.

**11. Legal proceedings.**—(1) Any proceedings for an offence under the Act of 1911 before a court of summary jurisdiction may, notwithstanding any enactment prescribing the time within which such proceedings may be brought, be brought either within the time so prescribed or within three months from the date on which evidence sufficient in the opinion of the Minister to justify a prosecution for the offence comes to his knowledge, whichever is the longer, and, for the purposes of this section, a certificate purporting to be signed by the Minister as to the date on which such evidence as aforesaid comes to his knowledge shall be conclusive evidence thereof.

(2) In any proceedings under the Act of 1911 before a court of summary jurisdiction the decision of the Insurance Commissioners or of the Minister, on any question whether a person is or was an employed person within the meaning of this Act, or not, shall, unless an appeal against the decision is pending or the time for appealing against the decision has not expired, be conclusive for the purpose of those proceedings, and, if such a decision has not been obtained and the decision of the question is necessary for the determination of the proceedings, the question shall be referred to the Minister for decision in accordance with the provisions of the Act of 1911, and, where any such appeal is pending or the time for so appealing has not expired or any question has been so referred to the Minister, the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

(3) Proceedings under section forty of the Act of 1918 by employees against employers for the recovery of certain sums as civil debts may, notwithstanding any provision in any enactment, be brought at any time within one year after the date on which the employee, but for the failure or neglect of the employer, would have been entitled to receive the benefit which he has lost.

**12. Power of inspectors to take and conduct proceedings.**—(1) Any inspector or other officer appointed for the purpose of Part I. of the Act of 1911 shall, if authorized in that behalf by any special or general directions of the Minister, have power to take proceedings for any offence under the National Insurance (Health) Acts, 1911 to 1919, and may, if authorized in that behalf by such directions as aforesaid, although not a counsel, solicitor, or law agent, prosecute or conduct before a court of summary jurisdiction any proceedings for any such offence as aforesaid.

(2) It shall not be any objection to the competency of a person to give evidence as a witness in proceedings in Scotland for such an offence as aforesaid that the proceedings are prosecuted or conducted by him.

**13. Amendment as to benefit of persons in receipt of disablement pensions or allowances.**—(1) The Minister may by regulations direct that the provisions of section one of the National Insurance (Part I. Amendment) Act, 1915 [5 & 6 Geo. 5, c. 29] (shall apply to allowances in respect of disablement in the highest degree granted in pursuance of any Order in Council, Royal Warrant, or order relating to the pensions of persons disabled in consequence of the present war as they apply to pensions in respect of disablement in the highest degree, and that, where a person entitled to a pension granted in pursuance of such

an Order in Council, Warrant, or order as aforesaid receives in addition such an allowance as aforesaid and the aggregate amount of the pension and the allowance is equal to the amount of a pension in respect of disablement in the highest degree, that person shall, for the purposes of the provisions of the section aforesaid, be deemed to be in receipt of a pension in respect of disablement in the highest degree.

(2) Sub-section (1) of section one of the National Insurance (Part I. Amendment) Act, 1917 [7 & 8 Geo. 5, c. 15], shall have effect as though for the words "five shillings a week" there were substituted the words "seven shillings and sixpence a week."

**14. Amendment of s. 13 of 7 & 8 Geo. 5, c. 62, with respect to persons receiving training.**—The Minister may make regulations providing that, in the case of persons receiving training, whether in technical institutions or otherwise, under any Order in Council, Royal Warrant, or order relating to pensions granted to persons in respect of disablement in consequence of the present war, the period during which under section thirteen of the Act of 1918 an insured person who ceases to be employed within the meaning of Part I. of the Act of 1911 is to remain an insured person shall, subject to such conditions with respect to payment of contributions and otherwise as may be prescribed by the regulations, be extended for such period as may be so prescribed.

**15. Amendment as to additional benefits.**—(1) Part II. of the Fourth Schedule of the Act of 1911 shall have effect as though the following new paragraph were inserted at the end thereof:—

(15) Such other additional benefits being of the same character as any of those hereinbefore mentioned as may be prescribed.

(2) Additional benefits authorized by a scheme under section thirty-seven of the Act of 1911 (which relates to cases where a surplus is found on a valuation) shall not, except as may be otherwise prescribed, be distributed among any persons who were not members of the society or branch on the date as at which the valuation was made.

**16. Extension of power to make regulations.**—The Minister shall have power to make regulations with respect to the matters specified in the Second Schedule to this Act.

**17. Consequential and minor amendments.**—The amendments specified in the second column of the Third Schedule to this Act (which relate to consequential and minor matters) shall be made in the enactments specified in the first column of that schedule.

**18. Application to Scotland and Ireland.**—(1) In the application of this Act to Scotland the Scottish Board of Health, and in the application of this Act to Ireland the Irish Insurance Commissioners acting under the direction of the Chief Secretary, shall be substituted for the Minister.

(2) In the application of section one hundred and nine of the Act of 1911 to Scotland the expression "Board of Guardians" means "parish council."

**19. Power to make arrangements with Isle of Man and Channel Islands.**—(1) If provision is made by legislative enactment in the Isle of Man or in the Channel Islands for the establishment therein of any scheme of national health insurance, the National Health Insurance Joint Committee with the consent of the Treasury may by regulations make arrangements for enabling persons insured under the Act of 1911 to receive benefits under that Act while resident in the Isle of Man or the Channel Islands, as the case may be, and for enabling persons insured under the scheme of national health insurance in the Isle of Man or the Channel Islands, as the case may be, to receive benefits under that scheme while resident in the United Kingdom.

(2) Regulations made under this section may direct that the National Insurance (Health) Acts, 1911 to 1919, and this Act shall, in relation to or in connection with any persons affected by any such arrangements as aforesaid, apply subject to such modifications and adaptations as may be prescribed by the regulations and may make provision for any necessary financial adjustments.

**20. Construction.**—(1) In this Act, unless the context otherwise requires—

The expression "the Act of 1911" means the National Insurance Act, 1911 [1 & 2 Geo. 5, c. 55];

The expression "the Act of 1913" means the National Insurance Act, 1913 [3 & 4 Geo. 5, c. 37];

The expression "the Act of 1918" means the National Health Insurance Act, 1918 [7 & 8 Geo. 5, c. 62];

The expression "the Minister" means the Minister of Health.

(2) This Act shall be construed as one with the National Insurance (Health) Acts, 1911 to 1919, and any references in this Act to any provisions of those Acts which have been amended by any other Act or are amended by this Act shall be construed as references to those provisions as so amended.

**21. Short title commencement, and repeal.**—(1) This Act may be cited as the National Health Insurance Act, 1920, and the National Insurance (Health) Acts, 1911 to 1919, and this Act may be cited together as the National Health Insurance Acts, 1911 to 1920.

(2) This Act shall, save as otherwise expressly provided, come into operation on the fifth day of July, nineteen hundred and twenty, or on such later date or dates not being more than twelve months after the passing thereof as the National Health Insurance Joint Committee may by order appoint, and different dates may be appointed for different purposes and different provisions of this Act.

(3) The enactments specified in the first column of Part I. of the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule, and the enactments specified



in the first column of Part II. of the said Fourth Schedule are hereby repealed except as regards Ireland to the extent specified in the third column of that schedule.

SCHEDULES.

FIRST SCHEDULE.

[Section 1.]

RATES OF CONTRIBUTION IN RESPECT OF EMPLOYED CONTRIBUTORS.

PART I.

IN GREAT BRITAIN.

In the case of men ... 10d. a week.  
In the case of women ... 9d. a week.

Contributions by Employers and Employed Contributors.

In Ordinary Cases.

To be paid by the employer ... 5d. a week.  
To be paid by the contributor men ... 5d. a week.  
women ... 4d. a week.

In case of Low-Wage Earners.

In the case of employed contributors of either sex, of the age of eighteen or upwards, whose remuneration does not include the provision of board and lodging by their employer, and the rate of whose remuneration does not exceed 4s. a working day, the following shall be the rates of contribution:—

(1) Where the rate of remuneration does not exceed 3s. a working day—

To be paid by the employer for men ... 10d. a week.  
for women ... 9d. a week.

(2) Where the rate of remuneration exceeds 3s. but does not exceed 4s. a working day—

To be paid by the employer ... 6d. a week.  
To be paid by the contributor men ... 4d. a week.  
women ... 3d. a week.

PART II.

IN IRELAND.

In the case of men ... 8d. a week.  
In the case of women ... 7d. a week.

Contributions by Employers and Employed Contributors.

In Ordinary Cases.

To be paid by the employer ... 4d. a week.  
To be paid by the contributor men ... 4d. a week.  
women ... 3d. a week.

In case of Low-Wage Earners.

In the case of employed contributors of either sex, of the age of eighteen or upwards, whose remuneration does not include the provision of board and lodging by their employer, and the rate of whose remuneration does not exceed 4s. a working day, the following shall be the rates of contribution:—

(1) Where the rate of remuneration does not exceed 3s. a working day—

To be paid by the employer (for men) ... 8d. a week.  
To be paid by the employer (for women) ... 7d. a week.

(2) Where the rate of remuneration exceeds 3s. but does not exceed 4s. a working day—

To be paid by the employer ... 5d. a week.  
To be paid by the contributor (men) ... 3d. a week.  
To be paid by the contributor (women) ... 2d. a week.

SECOND SCHEDULE.

[Section 16.]

MATTERS WITH RESPECT TO WHICH REGULATIONS MAY BE MADE.

1. Providing, in the case of any persons who are insured at the commencement of this Act and whose position is affected by any of the provisions thereof, for the transition from the provisions of the National Insurance (Health) Acts, 1911 to 1919, affecting them to those provisions as amended by this Act, including any necessary crediting or variation of reserve values.

2. Charging to the funds of an approved society and carrying to the Reserve Suspense Fund such sum (calculated in the prescribed manner) as represents the estimated cost (including administration expenses) of medical benefit, or (in the case of Ireland) of sanatorium benefit, in respect of each member of the society who attains the age of seventy years, and determining the amounts to be transferred in each year from the Reserve Suspense Fund to insurance committees in respect of such members.

THIRD SCHEDULE.

[Section 17.]

CONSEQUENTIAL AND MINOR AMENDMENTS.

Enactment to be amended.	Amendment.
The National Insurance Act, 1911:— Section 11 (1) (c) ...	"Fifteen shillings" shall be substituted for "ten shillings."
Section 42 (f) and (g) ...	"One-half" shall be substituted for "four-sevenths (or in the case of a woman one-half)."
Section 48 (2) ...	"Twopence" shall be substituted for "one penny."
Section 48 (2) (b) ...	"Three-sevenths" shall be substituted for "two-fifths."
Section 48 (11) ...	After the word "benefit" there shall be inserted the words "or conferring upon such persons the right to sanatorium benefit," and "one penny a week" shall be substituted for "one halfpenny a week."
Section 109 ...	"Seven shillings and sixpence" shall be substituted for "five shillings."
The National Insurance Act, 1913:— Section 19 (2) ...	"Ninepence," "fivepence," and "fourpence" shall respectively be substituted for "sixpence," "fourpence," and "threepence."
Section 25 (2) ...	The following paragraphs shall be substituted for paragraphs (a), (b), and (c):— "(a) A rate not exceeding three shillings a working day." "(b) A rate exceeding three shillings but not exceeding four shillings a working day."
The National Insurance (Part I. Amendment) Act, 1915:— Section (2) and (3) ...	"Fivepence halfpenny" shall be substituted for "fourpence."
The National Health Insurance Act, 1918:— Section 3 (1) ...	The words "with the proper proportion of the accumulations of interest on the amount from time to time standing to the credit of the fund" shall be repealed.
Section 7 (2) ...	"Twopence" shall be substituted for "one penny halfpenny."
Section 13 (1) and (3) ...	The words "until the thirtieth day of June or the 31st day of December, whichever first occurs, next after the expiration of a period of six months from the date on which he ceases to be an insured person" shall be substituted for the words "until the termination of the year in which he ceases to be an insured person."
Section 22 (1) ...	For the words "sickness benefit at the rate of five shillings a week for" there shall be substituted the words "sickness benefit or disablement benefit at the rate of seven shillings and sixpence a week for an aggregate of," and the words "until the thirtieth day of June or the thirty-first day of December, whichever first occurs, next after the expiration of a period of twelve months from the date on which he ceased to be such a person as aforesaid" shall be substituted for the words "until the termination of the year next following the year in which he ceased to be such a person as aforesaid."
Section 24 (1) ...	"Fourpence halfpenny" shall be substituted for "threepence."
Section 29 ...	After the words "those sums," where those words secondly occur, there shall be inserted the words "after deducting therefrom any amounts payable in respect of the cost of medical benefit, or in the case of Ireland in respect of the cost of sanatorium benefit."
Fourth Schedule, paragraph 9.	After the word "fixed" there shall be inserted the words "as nearly as may be."

## FOURTH SCHEDULE.

[Section 21.]

## PART I.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Geo. 5, c. 55.	The National Insurance Act, 1911.	Proviso to subsection (i) of section four; subsection (2) of section eight; subsection (6) of section fifteen; in subsection (12) of section forty-eight the words "and sanatorium benefit"; subsection (2) of section sixty-one; in section sixty-six the words "to the county court with a further right of appeal" and the words "in such summary manner as, subject to rules of court, may be directed by the court; and the court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question"; subsection (16) of section eighty; subsection (18) of section eighty-one; the Second Schedule; Part I. of the Fourth Schedule as far as unrepealed.
3 & 4 Geo. 5, c. 37.	The National Insurance Act, 1913.	Section eleven from "so calculated" to the end of the section; subsection (2) of section thirty-one; section thirty-nine; subsection (1) of section forty-two.
7 & 8 Geo. 5, c. 62.	The National Health Insurance Act, 1918.	Subsection (1) of section one; section nine in subsection (1) of section twenty-four the words from "and (c) the Admiralty" to the end of the subsection. Subsection (1) of section forty-one.

## PART II.

## ENACTMENTS REPEALED EXCEPT AS REGARDS IRELAND.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Geo. 5, c. 55.	The National Insurance Act, 1911.	Paragraph (b) of subsection (1) of section eight; in subsection (1) of section twelve the words "or of a sanatorium or similar institution approved under this Part of this Act"; in subsection (1) of section fourteen the words "and sanatorium"; section sixteen; section seventeen; in subsection (1) of section twenty-two the words "or sanatorium"; in paragraph (b) of section forty-two the words "and sanatorium benefit" and the words "or sanatorium benefit or both such benefits" and in paragraph (c) of that section the words "and sanatorium benefit"; in paragraph (ii) of subsection (2) of section forty-six the words "sanatorium benefit"; in subsection (3) of section fifty-nine the words "sanatorium benefit"; in subsection (1) of section sixty-one the words "all sums available for sanatorium benefit in a county or county borough and"; subsection (4) of section sixty-four.

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Geo. 5, c. 37.	The National Insurance Act, 1913.	In subsection (1) of section nine the words "and sanatorium benefit" in both places where those words occur.
7 & 8 Geo. 5, c. 15.	The National Insurance (Part I. Amendment) Act, 1917.	In section four the words "and sanatorium."
7 & 8 Geo. 5, c. 62.	The National Health Insurance Act, 1918.	In subsections (1) and (3) of section thirteen the words "and sanatorium benefit"; in paragraph (a) of subsection (1) of section eighteen the words "or sanatorium"; in section twenty-two the words "or if he is an inmate in receipt of sanatorium benefit is a sanatorium in which treatment under this Part of this Act is provided"; in subsection (1) of section twenty-two the words "and sanatorium"; in subsection (1) of section thirty-four the words "or sanatorium"; in subsection (1) of section forty the words "or sanatorium benefit"; paragraph 7 of the Fourth Schedule.

[CHAPTERS 11-16 FOLLOW CHAPTER 17.]

## CHAPTER 17.

INCREASE OF RENT AND MORTGAGE INTEREST  
(RESTRICTIONS) ACT, 1920.

(10 &amp; 11 Geo. 5.)

An Act to consolidate and amend the law with respect to the increase of rent and recovery of possession of premises in certain cases, and the increase of the rate of interest on, and the calling in of securities on, such premises, and for purposes in connection therewith.

[2nd July, 1920.]

Be it enacted, &amp;c. :-

*Restrictions on Increase of Rent and Mortgage Interest.*

1. *Restriction on increasing rent and mortgage interest.*—Subject to the provisions of this Act, where the rent of any dwelling-house to which this Act applies, or the rate of interest on a mortgage to which this Act applies, has been since the twenty-fifth day of March, nineteen hundred and twenty, or is hereafter, increased, then, if the increased rent or the increased rate of interest exceeds by more than the amount permitted under this Act the standard rent or standard rate of interest, the amount of such excess shall, notwithstanding any agreement to the contrary, be irrecoverable from the tenant or the mortgagor, as the case may be:

Provided that, where a landlord or mortgagee has increased the rent of any such dwelling-house or the rate of interest on any such mortgage since the said date, but before the passing of this Act, he may cancel such increase and repay any amount paid by virtue thereof, and in that case the rent or rate shall not be deemed to have been increased since that date.

2. *Permitted increases in rent.*—(1) The amount by which the increased rent of a dwelling-house to which this Act applies may exceed the standard rent shall, subject to the provisions of this Act, be as follows, that is to say :-

(a) Where the landlord has since the fourth day of August, nineteen hundred and fourteen, incurred, or hereafter incurs, expenditure on the improvement or structural alteration of the dwelling-house (not including expenditure on decoration or repairs), an amount calculated at a rate per annum not exceeding six, or, in the case of such expenditure incurred after the passing of this Act, eight per cent. of the amount so expended;

Provided that the tenant may apply to the county court for an order suspending or reducing such increase on the ground that such expenditure is or was unnecessary in whole or in part, and the court may make an order accordingly;

(b) An amount not exceeding any increase in the amount for the time being payable by the landlord in respect of rates over the corresponding amount paid in respect of the yearly, half-yearly or other period which included the third day of August, nineteen hundred and fourteen, or in the case of a dwelling-house for which no rates were payable in respect of any period which included the

said date, the period which included the date on which the rates first became payable thereafter :—

(c) In addition to any such amounts as aforesaid, an amount not exceeding fifteen per centum of the net rent :

Provided that, except in the case of a dwelling-house to which this Act applies but the enactments repealed by this Act did not apply, the amount of such addition shall not during a period of one year after the passing of this Act exceed five per cent. :

(d) In further addition to any such amounts as aforesaid—

(i) Where the landlord is responsible for the whole of the repairs, an amount not exceeding twenty-five per cent. of the net rent ; or

(ii) where the landlord is responsible for part and not the whole of the repairs, such lesser amount as may be agreed, or as may, on the application of the landlord or the tenant, be determined by the county court to be fair and reasonable, having regard to such liability :

(e) In the case of dwelling-houses let by a railway company to persons in the employment of the company, such additional amount, if any, as is required in order to give effect to the agreement dated the first day of March, nineteen hundred and twenty, relating to the rates of pay and conditions of employment of certain persons in the employment of railway companies, or any agreement, whether made before or after the passing of this Act, extending or modifying that agreement.

(2) At any time or times, not being less than three months after the date of any increase permitted by paragraph (d) of the foregoing sub-section, the tenant or the sanitary authority may apply to the county court for an order suspending such increase, and also any increase under paragraph (c) of that sub-section, on the ground that the house is not in all respects reasonably fit for human habitation, or is otherwise not in a reasonable state of repair.

The court on being satisfied by the production of a certificate of the sanitary authority or otherwise that any such ground as aforesaid is established, and on being further satisfied that the condition of the house is not due to the tenant's neglect or default or breach of express agreement, shall order that the increase be suspended until the court is satisfied, on the report of the sanitary authority or otherwise, that the necessary repairs (other than the repairs, if any, for which the tenant is liable) have been executed, and on the making of such order the increase shall cease to have effect until the court is so satisfied.

(3) Any transfer to a tenant of any burden or liability previously borne by the landlord shall, for the purposes of this Act, be treated as an alteration of rent, and where, as the result of such a transfer, the terms on which a dwelling-house is held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased, whether or not the sum periodically payable by way of rent is increased, and any increase of rent in respect of any transfer to a landlord of any burden or liability previously borne by the tenant where, as the result of such transfer, the terms on which any dwelling-house is held are on the whole not less favourable to the tenant than the previous terms, shall be deemed not to be an increase of rent for the purposes of this Act ; provided that for the purposes of this section, the rent shall not be deemed to be increased where the liability for rates is transferred from the landlord to the tenant, if a corresponding reduction is made in the rent.

(4) On any application to a sanitary authority for a certificate or report under this section a fee of one shilling shall be payable, but, if the authority as the result of such application issues such a certificate as aforesaid, the tenant shall be entitled to deduct the fee from any subsequent payment of rent.

(5) For the purposes of this section, the expression "repairs" means any repairs required for the purpose of keeping premises in good and tenable repair, and any premises in such a state shall be deemed to be in a reasonable state of repair, and the landlord shall be deemed to be responsible for any repairs for which the tenant is under no express liability.

(6) Any question arising under sub-section (1), (2) or (3) of this section shall be determined on the application either of the landlord or the tenant by the county court, and the decision of the court shall be final and conclusive.

3. *Limitation as to permitted increases in rent.*—(1) Nothing in this Act shall be taken to authorize any increase of rent except in respect of a period during which but for this Act the landlord would be entitled to obtain possession, or any increase in the rate of interest on a mortgage except in respect of a period during which, but for this Act, the security could be enforced.

(2) Notwithstanding any agreement to the contrary, where the rent of any dwelling-house to which this Act applies is increased, no such increase shall be due or recoverable until or in respect of any period prior to the expiry of four clear weeks, or, where such increase is on account of an increase in rates, one clear week, after the landlord has served upon the tenant a valid notice in writing of his intention to increase the rent, which notice shall be in the form contained in the First Schedule to this Act, or in a form substantially to the same

effect. If a notice served as aforesaid contains any statement or representation which is false or misleading in any material respect, the landlord shall be liable on summary conviction to a fine not exceeding ten pounds unless he proves that the statement was made innocently and without intent to deceive. Where a notice of an increase of rent which at the time was valid has been served on any tenant, the increase may be continued without service of any fresh notice on any subsequent tenant.

(3) A notice served before the passing of this Act of an intention to make any increase of rent which is permissible only by virtue of this Act shall not be deemed to be a valid notice for the purpose of this section.

4. *Permitted increase in rate of mortgage interest.*—The amount by which the increased rate of interest payable in respect of a mortgage to which this Act applies may exceed the standard rate, shall be an amount not exceeding one per cent. per annum :

Provided that—

(a) the rate shall not be increased so as to exceed six and a half per cent. per annum ; and

(b) except in the case of a dwelling-house to which this Act applies but the enactments repealed by this Act did not apply, the increase during a period of one year after the passing of this Act shall not exceed one-half per cent. per annum.

*Further Restrictions and Obligations on Landlords and Mortgagees.*

5. *Restriction on right to possession.*—(1) No order or judgment for the recovery of possession of any dwelling-house to which this Act applies, or for the ejectment of a tenant therefrom, shall be made or given unless—

(a) any rent lawfully due from the tenant has not been paid, or any other obligation of the tenancy (whether under the contract of tenancy or under this Act) so far as the same is consistent with the provisions of this Act has been broken or not performed ; or

(b) the tenant or any person residing with him has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the premises or allowing the premises to be used for an immoral or illegal purpose, or the condition of the dwelling-house has, in the opinion of the court, deteriorated owing to acts of waste by or the neglect or default of the tenant or any such person ; or

(c) the tenant has given notice to quit, and in consequence of that notice the landlord has contracted to sell or let the dwelling-house or has taken any other steps as a result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession ; or

(d) the dwelling-house is reasonably required by the landlord for occupation as a residence for himself, or for any person *bona fide* residing or to reside with him, or for some person in his whole time employment or in the whole time employment of some tenant from him, and (except as otherwise provided by this sub-section) the court is satisfied that alternative accommodation, reasonably equivalent as regards rent and suitability in all respects, is available ; or

(e) the landlord is a local authority or a statutory undertaking and the dwelling-house is reasonably required for the purpose of the execution of the statutory duties or powers of the authority or undertaking, and the court is satisfied as aforesaid as respects alternative accommodation ; or

(f) the landlord became the landlord after service in any of His Majesty's forces during the war and requires the house for his personal occupation, and offers the tenant accommodation on reasonable terms in the same dwelling-house, such accommodation being considered by the court as reasonably sufficient in the circumstances ; or

(g) the dwelling-house is required for occupation as a residence by a former tenant thereof who gave up occupation in consequence of his service in any of His Majesty's forces during the war ; and, in any such case as aforesaid, the court considers it reasonable to make such an order or give such judgment.

The existence of alternative accommodation shall not be a condition of an order or judgment on any of the grounds specified in paragraph (d) of this sub-section—

(i) where the tenant was in the employment of the landlord or a former landlord, and the dwelling-house was let to him in consequence of that employment and he has ceased to be in that employment ; or

(ii) where the court is satisfied by a certificate of the county agricultural committee, or of the Minister of Agriculture and Fisheries pending the formation of such committee, that the dwelling-house is required by the landlord for the occupation of a person engaged on work necessary for the proper working of an agricultural holding ; or

(iii) where the landlord gave up the occupation of the dwelling-house in consequence of his service in any of His Majesty's forces during the war ; or

(iv) where the landlord became the landlord before the thirtieth day of September, nineteen hundred and seventeen, or, in the



case of a dwelling-house to which section four of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1919 (8 & 9 Geo. 5, c. 7), applied, became the landlord before the fifth day of March, nineteen hundred and nineteen, or in the case of a dwelling-house to which this Act applies, but the enactments repealed by this Act did not apply, became the landlord before the twentieth day of May, nineteen hundred and twenty, and in the opinion of the court greater hardship would be caused by refusing an order for possession than by granting it.

(2) At the time of the application for or the making or giving of any order or judgment for the recovery of possession of any such dwelling-house, or for the ejectment of a tenant therefrom, or in the case of any such order or judgment which has been made or given, whether before or after the passing of this Act, and not executed, at any subsequent time, the court may adjourn the application, or stay or suspend execution on any such order or judgment, or postpone the date of possession, for such period or periods as it thinks fit, and subject to such conditions (if any) in regard to payment by the tenant of arrears of rent, rent, or mesne profits and otherwise as the court thinks fit, and, if such conditions are complied with, the court may, if it thinks fit, discharge or rescind any such order or judgment.

(3) Where any order or judgment has been made or given before the passing of this Act, but not executed, and, in the opinion of the court, the order or judgment would not have been made or given if this Act had been in force at the time when such order or judgment was made or given, the court may, on application by the tenant, rescind or vary such order or judgment in such manner as the court may think fit for the purpose of giving effect to this Act.

(4) Notwithstanding anything in section one hundred and forty-three of the County Courts Act, 1888 (51 & 52 Vict. c. 43), or in section one of the Small Tenements Recovery Act, 1838 (1 & 2 Vict. c. 74), every warrant for delivery of possession of, or to enter and give possession of, any dwelling-house to which this Act applies, shall remain in force for three months from the day next after the last day named in the judgment or order for delivery of possession or ejectment, or, in the case of a warrant under the Small Tenements Recovery Act, 1838, from the date of the issue of the warrant, and in either case for such further period or periods, if any, as the court shall from time to time, whether before or after the expiration of such three months, direct.

(5) An order or judgment against a tenant for the recovery of possession of any dwelling-house or ejectment therefrom under this section shall not affect the right of any sub-tenant to whom the premises or any part thereof have been lawfully sublet before proceedings for recovery of possession or ejectment were commenced, to retain possession under this section, or be in any way operative against any such sub-tenant:

(6) Where a landlord has obtained an order or judgment for possession or ejectment under this section, on the ground that he requires a dwelling-house for his own occupation, and it is subsequently made to appear to the court that the order was obtained by misrepresentation or the concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as the result of the order or judgment.

**6. Restriction on levy of distress for rent.]**—No distress for the rent of any dwelling-house to which this Act applies shall be levied except with the leave of the county court, and the court shall, with respect to any application for such leave, have the same or similar powers with respect to adjournment, stay, suspension, postponement and otherwise as are conferred by the last preceding section of this Act in relation to applications for the recovery of possession.

Provided that this section shall not apply to distress levied under section one hundred and sixty of the County Courts Act, 1888.

The provisions of this section shall be in addition to and not in derogation of any of the provisions of the Courts (Emergency Powers) Act, 1914 (4 & 5 Geo. 5, c. 78), or any Act amending or extending the same, except so far as those provisions are repealed by this Act.

**7. Restriction of calling in of mortgages.]**—It shall not be lawful for any mortgagee under a mortgage to which this Act applies, so long as—

(a) interest at the rate permitted under this Act is paid and is not more than twenty-one days in arrear; and

(b) the covenants by the mortgagor (other than the covenant for the repayment of the principal money secured) are performed and observed; and

(c) the mortgagor keeps the property in a proper state of repair and pays all interest and instalments of principal recoverable under any prior encumbrance, to call in his mortgage or to take any steps for exercising any right of foreclosure or sale, or for otherwise enforcing his security or for recovering the principal money thereby secured:

Provided that—

(i) this provision shall not apply to a mortgage where the principal money secured thereby is repayable by means of periodical instalments extending over a term of not less than ten years from the creation of the mortgage, nor shall this provision affect any power of sale exercisable by a mortgagee who was on the twenty-fifth day of March nineteen hundred and twenty a mortgagee in possession, or in cases where the mortgagor consents to the exercise by the mortgagee of the powers conferred by the mortgage; and

(ii) if, in the case of a mortgage of a leasehold interest the mortgagee satisfies the county court that his security is seriously diminishing in value or is otherwise in jeopardy, and that for that reason it is reasonable that the mortgage should be called in and

enforced, the court may by order authorise him to call in and enforce the same, and thereupon this section shall not apply to such mortgage; but any such order may be made subject to a condition that it shall not take effect if the mortgagor within such time as the court directs pays to the mortgagee such portion of the principal sum secured as appears to the court to correspond to the diminution of the security.

**8. Restriction on premiums.]**—(1) A person shall not, as a condition of the grant, renewal, or continuance of a tenancy or sub-tenancy of any dwelling-house to which this Act applies, require the payment of any fine, premium, or other like sum, or the giving of any pecuniary consideration, in addition to the rent, and where any such payment or consideration has been made or given in respect of any such dwelling-house under an agreement made after the twenty-fifth day of March, nineteen hundred and twenty, the amount or value thereof shall be recoverable by the person by whom it was made or given.

Provided that, where any agreement has been made since the said date but before the passing of this Act for the tenancy of a house to which this Act applies, but the enactments repealed by this Act did not apply, and the agreement includes provision for the payment of any fine, premium, or other like sum, or the giving of any pecuniary consideration in addition to the rent, that agreement shall, without prejudice to the operation of this section, be voidable at the option of either party thereto.

(2) A person requiring any payment or the giving of any consideration in contravention of this section shall be liable on summary conviction to a fine not exceeding one hundred pounds, and the court by which he is convicted may order the amount paid or the value of the consideration to be repaid to the person by whom the same was made or given, but such order shall be in lieu of any other method of recovery prescribed by this Act.

(3) This section shall not apply to the grant, renewal or continuance for a term of fourteen years or upwards of any tenancy.

**9. Limitation on rent of houses let furnished.]**—(1) Where any person lets, or has, before the passing of this Act, let any dwelling-house to which this Act applies, or any part thereof, at a rent which includes payment in respect of the use of furniture, and it is proved to the satisfaction of the county court on the application of the lessee that the rent charged is yielding or will yield to the lessor a profit more than twenty-five per cent. in excess of the normal profit as hereinafter defined, the court may order that the rent, so far as it exceeds such sum as would yield such normal profit and twenty-five per cent. shall be irrecoverable, and that the amount of any payment of rent in excess of such sum which may have been made in respect of any period after the passing of this Act, shall be repaid to the lessee.

(2) For the purpose of this section "normal profit" means the profit which might reasonably have been expected from a similar letting in the year ending on the third day of August nineteen hundred and fourteen.

**10. Penalty for excessive charges for furnished lettings.]**—Where any person after the passing of this Act lets any dwelling-house to which this Act applies or any part thereof at a rent which includes payment in respect of the use of furniture, and the rent charged yields to the lessor a profit which, having regard to all the circumstances of the case, and in particular to the margin of profit allowed under the last preceding section of this Act, is extortionate, then, without prejudice to any other remedy under this Act, the lessor shall be liable on summary conviction to a fine not exceeding one hundred pounds, and the court by which he is convicted may order that the rent so far as it exceeds the amount permitted by the last preceding section of this Act shall be irrecoverable and that the amount of any such excess shall be repaid to the lessee, but any such order shall be in lieu of any other method of recovery prescribed by this Act.

**11. Statement to be supplied as to standard rent.]**—A landlord of any dwelling-house to which this Act applies shall, on being so requested in writing by the tenant of the dwelling-house, supply him with a statement in writing as to what is the standard rent of the dwelling-house, and if, without reasonable excuse, he fails within fourteen days to do so, or supplies a statement which is false in any material particular, he shall be liable on summary conviction to a fine not exceeding ten pounds.

#### Application and Interpretation of Act.

**12. Application and interpretation.]**—(1) For the purposes of this Act, except where the context otherwise requires:—

(a) The expression "standard rent" means the rent at which the dwelling-house was let on the third day of August nineteen hundred and fourteen, or, where the dwelling-house was not let on that date, the rent at which it was last let before that date, or, in the case of a dwelling-house which was first let after the said third day of August, the rent at which it was first let:

Provided that, in the case of any dwelling-house let at a progressive rent payable under a tenancy agreement or lease, the maximum rent payable under such tenancy agreement or lease shall be the standard rent; and, where at the date by reference to which the standard rent is calculated, the rent was less than the rateable value the rateable value at that date shall be the standard rent;

(b) The expression "standard rate of interest" means in the

case of a mortgage in force on the third day of August nineteen hundred and fourteen, the rate of interest payable at that date, or, in the case of a mortgage created since that date, the original rate of interest;

(c) The expression "net rent" means, where the landlord at the time by reference to which the standard rent is calculated paid the rates chargeable on, or which but for the provisions of any Act would be chargeable on the occupier, the standard rent less the amount of such rates, and in any other case the standard rent;

(d) The expression "rates" includes water rents and charges, and any increase in rates payable by a landlord shall be deemed to be payable by him until the rate is next demanded;

(e) The expression "rateable value" means the rateable value on the third day of August nineteen hundred and fourteen, or, in the case of a dwelling-house or a part of dwelling-house first assessed after that date, the rateable value at which it was first assessed;

(f) The expressions "landlord," "tenant," "mortgagee," and "mortgagor" include any person from time to time deriving title under the original landlord, tenant, mortgagee, or mortgagor;

(g) The expression "landlord" also includes in relation to any dwelling-house any person, other than the tenant, who is or would but for this Act be entitled to possession of the dwelling-house, and the expressions "tenant and tenancy" include sub-tenant and sub-tenancy, and the expression "let" includes sub-let; and the expression "tenant" includes the widow of a tenant dying intestate who was residing with him at the time of his death, or, where a tenant dying intestate leaves no widow or is a woman, such member of the tenant's family so residing as aforesaid as may be decided in default of agreement by the county court;

(h) The expression "mortgage" includes a land charge under the Land Transfer Acts, 1875 and 1897 [38 & 39 Vict. c. 87; 60 & 61 Vict. c. 65].

(i) The expressions "statutory undertaking" and "statutory duties or powers" include any undertaking, duties or powers, established, imposed or exercised under any order having the force of an Act of Parliament.

(2) This Act shall apply to a house or a part of a house let as a separate dwelling, where either the annual amount of the standard rent or the rateable value does not exceed—

(a) in the metropolitan police district, including therein the City of London, one hundred and five pounds;

(b) in Scotland, ninety pounds; and

(c) elsewhere, seventy-eight pounds;

and every such house or part of a house shall be deemed to be a dwelling-house to which this Act applies:

Provided that—

(i) this Act shall not, save as otherwise expressly provided, apply to a dwelling-house bona fide let at a rent which includes payments in respect of board, attendance, or use of furniture; and

(ii) the application of this Act to any house or part of a house shall not be excluded by reason only that part of the premises is used as a shop or office or for business, trade, or professional purposes; and

(iii) for the purposes of this Act, any land or premises let together with a house shall, if the rateable value of the land or premises let separately would be less than one-quarter of the rateable value of the house, be treated as part of the house, but, subject to this provision, this Act shall not apply to a house let together with land other than the site of the house.

(3) Where, for the purpose of determining the standard rent rateable value of any dwelling-house to which this Act applies, it is necessary to apportion the rent at the date in relation to which the standard rent is to be fixed, or the rateable value of the property in which that dwelling-house is comprised, the county court may, on application by either party, make such apportionment as seems just, and the decision of the court as to the amount to be apportioned to the dwelling-house shall be final and conclusive.

(4) Subject to the provisions of this Act, this Act shall apply to every mortgage where the mortgaged property consists of or comprises one or more dwelling-houses to which this Act applies, or any interest therein, except that it shall not apply—

(a) to any mortgage comprising one or more dwelling-houses to which this Act applies and other land if the rateable value of such dwelling-houses is less than one-tenth of the rateable value of the whole of the land comprised in the mortgage; or

(b) to an equitable charge by deposit of title deeds or otherwise; or

(c) to any mortgage which is created after the passing of this Act.

(5) When a mortgage comprises one or more dwelling-houses to which this Act applies and other land, and the rateable value of such dwelling-houses is more than one-tenth of the rateable value of the whole of the land comprised in the mortgage, the mortgagee may apportion the principal money secured by the mortgage between such dwelling-houses and such other land by giving one calendar month's notice in writing to the mortgagor, such notice to state the particulars of such apportionment, and at the expiration of the said calendar month's notice this Act shall not apply to the mortgage so far as it relates to such other land, and for all purposes, including the mortgagor's right of redemption, the said mortgage shall operate as if it were a separate mortgage for the respective portions of the said principal money

secured by the said dwelling-houses and such other land, respectively, to which such portions were apportioned:

Provided that the mortgagor shall, before the expiration of the said calendar month's notice, be entitled to dispute the amounts so apportioned as aforesaid, and in default of agreement the matter shall be determined by a single arbitrator appointed by the President of the Surveyors' Institution.

(6) Where this Act has become applicable to any dwelling-house or any mortgage thereon, it shall continue to apply thereto whether or not the dwelling-house continues to be one to which this Act applies.

(7) Where the rent payable in respect of any tenancy of any dwelling-house is less than two-thirds of the rateable value thereof, this Act shall not apply to that rent or tenancy nor to any mortgage by the landlord from whom the tenancy is held of his interest in the dwelling-house, and this Act shall apply in respect of such dwelling-house as if no such tenancy existed or ever had existed.

(8) Any rooms in a dwelling-house subject to a separate letting wholly or partly as a dwelling shall, for the purposes of this Act, be treated as a part of a dwelling-house let as a separate dwelling.

(9) This Act shall not apply to a dwelling-house erected after or in course of erection on the second day of April, nineteen hundred and nineteen, or to any dwelling-house which has been since that date or was at that date being bona fide reconstructed by way of conversion into two or more separate and self-contained flats or tenements; but for the purpose of any enactment relating to rating, the gross estimated rental or gross value of any such house to which this Act would have applied if it had been erected or so reconstructed before the third day of August, nineteen hundred and fourteen, and let at that date, shall not exceed—

(a) if the house forms part of a housing scheme to which section seven of the Housing, Town Planning, &c., Act, 1919 (9 & 10 Geo. 5, c. 35), applies, the rent (exclusive of rates) charged by the local authority in respect of that house; and

(b) in any other case the rent (exclusive of rates) which would have been charged by the local authority in respect of a similar house forming part of such a scheme as aforesaid.

(10) Where possession has been taken of any dwelling-houses by a Government department during the war, under the Defence of the Realm regulations, for the purpose of housing workmen, this Act shall apply to such houses as if the workmen in occupation thereof at the passing of this Act were in occupation as tenants of the landlords of such houses.

13. *Application to business premises.*—(1) This Act shall apply to any premises used for business trade or professional purposes or for the public service as it applies to a dwelling-house, and as though references to "dwelling-house" "house" and "dwelling" included references to any such premises, but this Act in its application to such premises shall have effect subject to the following modifications:—

(a) The following paragraph shall be substituted for paragraph (c) of sub-section (1) of section two:

(c) In addition to any such amounts as aforesaid, an amount not exceeding thirty-five per centum of the net rent;

(b) The following paragraph shall be substituted for paragraph (d) of sub-section (1) of section five:

(d) the premises are reasonably required by the landlord for business, trade, or professional purposes or for the public service, and (except as otherwise provided by this sub-section) the court is satisfied that alternative accommodation, reasonably equivalent as regards rent and suitability in all respects, is available;

(c) The following paragraph shall be added after paragraph (g) of the same sub-section:

(h) The premises are bona fide required for the purpose of a scheme of reconstruction or improvement which appears to the court to be desirable in the public interest;

(d) Paragraph (i) of the same sub-section shall not apply;

(e) Sections nine and ten shall not apply.

(2) The application of this Act to such premises as aforesaid shall not extend to a letting or tenancy in any market or fair where the rent or conditions of tenancy are controlled or regulated by or in pursuance of any statute or charter.

(3) This section shall continue in force until the twenty-fourth day of June, nineteen hundred and twenty-one.

#### General.

14. *Recovery of sums made irrecoverable, &c.*—(1) Where any sum has, whether before or after the passing of this Act, been paid on account of any rent or mortgage interest, being a sum which is by virtue of this Act, or any Act repealed by this Act, irrecoverable by the landlord or mortgagee, the sum so paid shall be recoverable from the landlord or mortgagee who received the payment or his legal personal representative by the tenant or mortgagor by whom it was paid, and any such sum, and any other sum which under this Act is recoverable by a tenant from a landlord or payable or repayable by a landlord to a tenant, may, without prejudice to any other method of recovery, be deducted by the tenant or mortgagor from any rent or interest payable by him to the landlord or mortgagee.

(2) If—

(a) any person in any rent book or similar document makes an entry shewing or purporting to shew any tenant as being in arrear in respect of any sum which by virtue of any such Act is irrecoverable; or

(b) where any such entry has before the passing of this Act



been made by or on behalf of any landlord, the landlord, on being requested by or on behalf of the tenant so to do, refuses or neglects to cause the entry to be deleted within seven days,

that person or landlord shall on summary conviction be liable to a fine not exceeding ten pounds, unless he proves that he acted innocently and without intent to deceive.

**15. Conditions of statutory tenancy.**—(1) A tenant who by virtue of the provisions of this Act retains possession of any dwelling-house to which this Act applies shall, so long as he retains possession, observe and be entitled to the benefit of all the terms and conditions of the original contract of tenancy, so far as the same are consistent with the provisions of this Act, and shall be entitled to give up possession of the dwelling-house only on giving such notice as would have been required under the original contract of tenancy, or, if no notice would have been so required, on giving not less than three months' notice:

Provided that, notwithstanding anything in the contract of tenancy, a landlord who obtains an order or judgment for the recovery of possession of the dwelling-house or for the ejectment of a tenant retaining possession as aforesaid shall not be required to give any notice to quit to the tenant.

(2) Any tenant retaining possession as aforesaid shall not as a condition of giving up possession ask or receive the payment of any sum, or the giving of any other consideration, by any person other than the landlord, and any person acting in contravention of this provision shall be liable on summary conviction to a fine not exceeding one hundred pounds, and the court by which he was convicted may order any such payment or the value of any such consideration to be paid to the person by whom the same was made or given, but any such order shall be in lieu of any other method of recovery prescribed by this Act.

(3) Where the interest of a tenant of a dwelling-house to which this Act applies is determined, either as the result of an order or judgment for possession or ejectment, or for any other reason, any sub-tenant to whom the premises or any part thereof have been lawfully sublet shall, subject to the provisions of this Act, be deemed to become the tenant of the landlord on the same terms as he would have held from the tenant if the tenancy had continued.

**16. Minor amendments of law.**—(1) Section three of the Poor Rate Assessment and Collection Act, 1869 (32 & 33 Vict. c. 41), shall, except so far as it relates to the metropolis, have effect as though for the limits of value specified in the section there were substituted limits twenty-five per cent. in excess of the limits so specified, and that section and section four of the same Act shall have effect accordingly.

(2) It shall be deemed to be a condition of the tenancy of any dwelling-house to which this Act applies that the tenant shall afford to the landlord access thereto and all reasonable facilities for executing therein any repairs which the landlord is entitled to execute.

(3) Where the landlord of any dwelling-house to which this Act applies has served a notice to quit on a tenant, the acceptance of rent by the landlord for a period not exceeding three months from the expiration of the notice to quit shall not be deemed to prejudice any right to possession of such premises, and, if any order for possession is made, any payment of rent so accepted shall be treated as *mesne profits*.

**17. Rules as to procedure.**—(1) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving effect to this Act, and may by those rules or directions provide for any proceedings for the purposes of this Act being conducted so far as desirable in private and for the remission of any fees.

(2) A county court shall have jurisdiction to deal with any claim or other proceedings arising out of this Act or any of the provisions thereof, notwithstanding that by reason of the amount of claim or otherwise the case would not but for this provision be within the jurisdiction of a county court, and, if a person takes proceedings under this Act in the High Court which he could have taken in the county court, he shall not be entitled to recover any costs.

**18. Application to Scotland and Ireland.**—(1) This Act shall apply to Scotland, subject to the following modifications:—

(a) "Mortgage" and "incumbrance" mean a heritable security including a security constituted by absolute disposition qualified by back bond or letter; "mortgagor" and "mortgagee" mean respectively the debtor and the creditor in a heritable security; "covenant" means obligation; "mortgaged property" means the heritable subject or subjects included in a heritable security; "rateable value" means yearly value according to the valuation roll; "rateable value on the third day of August, nineteen hundred and fourteen" means yearly value according to the valuation roll for the year ending fifteenth day of May, nineteen hundred and fifteen; "assessed" means entered in the valuation roll; "land" means lands and heritages; "rates" means assessments as defined in the House Letting and Rating (Scotland) Act, 1911 (1 & 2 Geo. 5, c. 53); "Lord Chancellor" and "High Court" mean the Court of Session; "rules" means act of sederunt; "county court" means the sheriff court; "sanitary authority" means the local authority under the Public Health (Scotland) Act, 1897 (60 & 61 Vict. c. 39); "*mesne profits*" means profits; the Board of Agriculture for Scot-

land shall be substituted for the Minister of Agriculture and Fisheries; the twenty-eighth day of May shall be substituted for the twenty-fourth of June; the reference to the county agricultural committee shall be construed as a reference to the body of persons constituted with respect to any area by the Board of Agriculture for Scotland under sub-section (2) of section eleven of the Corn Production Act, 1917 (17 & 18 Geo. 5, c. 46); references to levying distress shall be construed as references to doing diligence; the reference to the President of the Surveyors' Institution shall be construed as a reference to the Chairman of the Scottish Committee of the Surveyors' Institution; a reference to section five of the Housing, Town Planning, &c. (Scotland) Act, 1919 (9 & 10 Geo. 5, c. 60), shall be substituted for a reference to section seven of the Housing, Town Planning, &c., Act, 1919; and a reference to section one of the House Letting and Rating (Scotland) Act, 1911, shall be substituted for a reference to section three of the Poor Rate Assessment and Collection Act, 1869 (32 & 33 Vict. c. 41);

(b) Nothing in paragraph (b) of sub-section (1) of the section of this Act relating to permitted increases in rent shall permit any increase in rent in respect of any increase after the year ending Whit-Sunday, nineteen hundred and twenty, in the amount of the rates payable by the landlord, other than rates for which he is responsible under the House Letting and Rating (Scotland) Act, 1911;

(c) Paragraph (d) of sub-section (1) of the section of this Act relating to application and interpretation shall not apply:

(d) Where any dwelling-house, to which the Acts repealed by this Act applied, is subject to a right of tenancy arising from a yearly contract or from tacit relocation, and ending at Whit-Sunday, nineteen hundred and twenty-one, the year ending at the said term of Whit-Sunday shall be deemed to be a period during which, but for this Act, the landlord would be entitled to obtain possession of such dwelling-house.

(2) This Act shall apply to Ireland subject to the following modifications:—

(a) A reference to the Lord Chancellor of Ireland shall be substituted for the reference to the Lord Chancellor;

(b) A reference to section fifteen of the Summary Jurisdiction (Ireland) Act, 1851 (14 & 15 Vict. c. 92), shall be substituted for the reference to section one of the Small Tenements Recovery Act, 1838;

(c) The expression "mortgage" includes a charge by registered disposition under the Local Registration of Title (Ireland) Act, 1891 (54 & 55 Vict. c. 66), and any notice of the apportionment of the principal money secured by a mortgage, if and when the notice becomes operative under this Act, and the award of any arbitrator with reference to any such apportionment may be registered under the enactments relative to the registration of deeds or titles as the case requires;

(d) The expression "rateable value" means the annual rateable value under the Irish Valuation Acts: Provided that, where part of a house let as a separate dwelling is not separately valued under those Acts, the Commissioner of Valuation and Boundary Surveyor may, on the application of the landlord or tenant, make such apportionment of the rateable value of the whole house as seems just, and his decision as to the amount to be apportioned to the part of the house shall be final and conclusive, and that amount shall be taken to be the rateable value of the part of the house for the purposes of this Act, but not further or otherwise;

(e) The following paragraph shall be substituted for paragraph (ii) of sub-section (1) of section five of this Act:

(ii) Where the court is satisfied that the dwelling-house is required by the landlord for the occupation of a person engaged on work necessary for the proper working of an agricultural holding: or

(f) The following sub-section shall be substituted for sub-section (9) of section twelve of this Act:

(9) This Act shall not apply to a dwelling-house erected after, or in course of erection on, the second day of April, nineteen hundred and nineteen, or to any dwelling-house which has been since that date or was at that date being *bond fide* reconstructed by way of conversion into two or more separate and self-contained flats or tenements; but the rateable value of any such dwelling-house to which this Act would have applied if it had been erected or so reconstructed before the said date shall be ascertained as though the rent for the purposes of section eleven of the Valuation (Ireland) Act, 1852 (15 & 16 Vict. c. 63), were the rent for which a similar dwelling-house might have been reasonably expected to let on the third day of August, nineteen hundred and fourteen, the probable average annual cost of repairs, insurance, and other expenses (if any) necessary to maintain the dwelling-house in its actual state, and all rates, taxes, and public charges, if any (except tithe rentcharge), being paid by the tenant:

(g) The medical officer of health of a dispensary district shall be substituted for the sanitary authority in section two of this



Act, and in the First Schedule thereto, and the issue of certificates and the payment of fees in connection with applications by tenants under the said section shall be subject to regulations to be made by the Local Government Board for Ireland;

(h) This Act shall not apply to any dwelling-house provided by a local authority under the Labourers (Ireland) Acts, 1883 to 1919, or under any of those Acts.

19. *Short title, duration, and repeal.*—(1) This Act may be cited as the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.

(2) Except as otherwise provided, this Act shall continue in force until the twenty-fourth day of June, nineteen hundred and twenty-three:

Provided that the expiration of this Act, or any part thereof, shall not render recoverable by a landlord any rent, interest or other sum which during the continuance thereof was irrecoverable, or affect the right of a tenant to recover any sum which during the continuance thereof was under this Act recoverable by him.

(3) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, without prejudice to the operation of section thirty-eight of the Interpretation Act, 1889 [52 & 53 Vict. c. 63], nothing in this repeal shall render recoverable any sums which at the time of the passing of this Act were irrecoverable, or affect the validity of any order of a court, or any rules or directions made or given under any enactment repealed by this Act, all of which orders, rules, and directions if in force at the date of the passing of this Act shall have effect as if they were made or given under this Act, and any proceedings pending in any court at the date of the passing of this Act, under any enactment repealed by this Act, shall be deemed to have been commenced under this Act.

#### SCHEDULES.

##### FIRST SCHEDULE.

[Sections 3 and 18.]

##### FORM OF NOTICE BY LANDLORD.

INCREASE OF RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT, 1920.

To  
Address of premises to which  
this notice refers  
Take notice that I intend to increase the rent of l. s. d.  
per at present payable by you as tenant of the above-named  
premises by the amount of l. s. d. per

The increase is made up as follows:—

(a) l. s. d. under paragraph (a) of sub-section (1) of section two of the Act, being six [eight] per cent. on l. s. d. expended by me since [insert date] on improvements and structural alterations, and consisting of\*

(b) l. s. d. under paragraph (b) of sub-section (1) of section two of the Act, on account of an increase in the rates payable by me from l. s. d. per to l. s. d. per in respect of the premises.

(c) l. s. d. under paragraph (c) of sub-section (1) of section two of the Act, being per cent. on the net rent of the premises. The net rent is l. s. d. The standard rent is l. s. d.

(d) l. s. d. under paragraph (d) of sub-section (1) of section two of the Act, being per cent. of the net rent of the premises. The net rent is l. s. d. The standard rent is l. s. d.

The increase under head (b) will date from , being one clear week from the date of this notice, and the remaining increases from , being four clear weeks from the date of this notice.

†The increase under head (d) is on account of my responsibility for repairs, for no part [part only] of which are you under an express liability.

\* Here state improvements and alterations effected.

† Where the tenant is under an express liability for part of the repairs, the increase under head (d) is to be settled in default of agreement by the county court.

\*At any time or times, not being less than three months after the day of 19, you are entitled to apply to the county court for an order suspending the increases under heads (c) and (d) above if you consider that the premises are not in all respects reasonably fit for human habitation or otherwise not in a reasonable state of repair. You will be required to satisfy the county court, by a report of the sanitary authority or otherwise, that your application is well founded, and for this purpose you are entitled to apply to the sanitary authority for a certificate. A fee of one shilling is chargeable on any application for a certificate, but, if the certificate is granted, you can deduct this sum from your rent. The address of the sanitary authority is

Signed

Address

\* This paragraph need not be included if there is no increase under head (d).

#### SECOND SCHEDULE.

[Section 19.]

##### ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Geo. 5, c. 97.	The Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915.	The whole Act.
7 & 8 Geo. 5, c. 25.	The Courts (Emergency Powers) Act, 1917.	Ss. 4, 5 and 7.
8 & 9 Geo. 5, c. 7.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1919.	The whole Act.
9 10 Geo. 5, c. 90.	The Increase of Rent, &c. (Amendment) Act, 1919.	The whole Act.

#### CHAPTER 11.

##### EJECTION (SUSPENSORY PROVISIONS) (SCOTLAND) ACT 1920.

An Act to make temporary provision for restricting the granting of orders for recovery of possession of, or the ejection of tenants from, certain dwelling-houses in Scotland. [20th May, 1920.]

#### CHAPTER 12.

##### SAVING BANKS ACT, 1920.

An Act to amend the enactments relating to Savings Banks; to extend to National Savings Certificates the enactments relating to War Savings Certificates; and to amend the law with respect to the transfer of Government stock by Savings Bank authorities. [20th May, 1920.]

Be it enacted, &c. :—

##### PART I. SAVINGS BANKS.

1. *Provisions as to limits on savings banks deposits and on investment in Government stock.*—(1) There shall, subject as hereinafter provided, be no limit on the amount which may be received by a savings bank authority from any person by way of deposit or on the amount of Government stock which may be credited by a savings bank authority to the account of any depositor, and all enactments imposing, or relating whether directly or indirectly to, any such limit shall cease to have effect:

Provided that it shall be lawful for the Treasury at any time by order under this section to limit the amount which may be so received from any person whatsoever either in any one year or in the aggregate, or the amount of Government stock which may be so credited to any person whatsoever either in one year or in the aggregate.

(2) An order under this section—

(a) may fix different limits as respects different classes of persons:

(b) may provide that any limit fixed by the order shall have effect subject to any exceptions or exclusions specified in the order:

(c) may contain special provisions with respect to depositors whose deposits at the date on which the order takes effect exceed the limit fixed by the order as regards deposits or in whose case the Government stock credited at that date exceeds the limit fixed by the order as regards Government stock:

(d) may contain such consequential and supplemental provisions as appear to the Treasury to be necessary for giving full effect to the order:

(e) may be revoked, extended or varied by a subsequent order:

(f) shall have effect as if enacted in this Act.

(3) Before any order is made under this section, a draft thereof shall be laid before each House of Parliament for a period of not less than twenty-one days during the session of Parliament, and, if either House before the expiration of that period presents an Address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft order.

(4) This section shall take effect as from the expiration of a period of six months after the termination of the present war.

2. *Amendment of s. 5 of the National Debt (Supplemental) Act, 1888.*—(1) Section five of the National Debt (Supplemental) Act, 1888 51 & 52 Vict. c. 15 (which makes provision as to the rate of interest to be allowed in respect of money paid into the Bank of England or the Bank of Ireland by the trustees of trustee savings banks), shall have effect as though the words "such rate not being less than two pounds fifteen shillings and sixpence per centum per annum as the

Treasury "may by order fix" were therein substituted for the words "the rate of two pounds fifteen shillings per centum per annum."

(2) Any order made by the Treasury under this section may be varied from time to time as the Treasury think proper, and such rate as may be first fixed under this section shall be deemed to have been in operation as from the twentieth day of November, nineteen hundred and nineteen.

**3. Extension of power to make regulations with respect to savings banks.**—(1) The power of the Postmaster-General, with the consent of the Treasury, to make regulations under the enactments relating to the Post Office savings bank shall include power to make regulations for any of the following purposes:—

(a) For prescribing the means by which particular facts may be proved and the mode in which evidence thereof may be given, and for authorizing the Postmaster-General to treat proof of any particular facts given in the manner prescribed by the regulations as conclusive evidence of those facts for the purpose of the payment or transfer of any sum;

(b) For authorizing the Postmaster-General for the purpose of the payment or transfer of any sum to treat any person as having been domiciled in the place in which he was resident at the date of his death;

(c) For directing that except as provided by the regulations no entry with respect to any trust, express, implied or constructive, shall be made in the account of any depositor, and that except as aforesaid no notice of any such trust shall be receivable by the Postmaster-General;

(d) For determining the date on which a deposit is to be deemed to be withdrawn, and for prescribing the method by which payment of sums withdrawn is to be made.

(2) The Treasury may make regulations applying to trustee savings banks, with or without modifications, the provisions of any regulations made under this section with respect to the Post Office savings bank.

**4. Amendment of law as to deposits of deceased depositors.**—(1) Paragraph (a) of subsection (1) of section three of the Savings Banks Act, 1887 [50 & 51 Vict. c. 40], shall have effect as though the words "not exceeding in the aggregate one hundred pounds" were omitted therefrom, and paragraph (b) of the said subsection shall have effect as though for the words "for the revocation of such nomination" there were therein substituted the words "for the manner in which any such nomination may be revoked by the depositor, and for the circumstances in which it is to be treated as having ceased to be operative."

(2) Paragraph (c) of subsection (1) of section three of the Savings Banks Act, 1887, shall cease to have effect.

(3) The power to make regulations under section three of the Savings Banks Act, 1887, shall include power to make regulations for any of the following purposes:—

(a) For directing that any person acting as witness to a nomination shall be disqualified from taking thereunder;

(b) For authorizing the savings bank authority to treat as a depositor in the savings bank any person named as nominee in any nomination who dies after the death of the nominator but before receiving payment of the sum to be paid to him under the nomination;

(c) For providing that where any person to whom any sum, being the whole or any part of the deposit of a deceased depositor, is payable is unable by reason of any incapacity whatsoever to give a legal discharge therefor the sum may be paid to any person undertaking to maintain the incapacitated person.

**5. Amendment of s. 3 of 39 & 40 Vict. c. 52.**—Section three of the Savings Banks (Barrister) Act, 1876 (which gives power to charge fees on certificates, awards, &c., given or made by the Registrar of Friendly Societies), shall have effect as if the words "not exceeding in any case one pound" were omitted therefrom.

**6. Laying of draft regulations before Parliament.**—(1) Before any regulations are made either by the Postmaster-General with respect to the Post Office savings bank or by the Treasury with respect to trustee savings banks, a draft thereof shall be laid before each House of Parliament for a period of not less than twenty days during the session of Parliament, and, if either House before the expiration of that period presents an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft regulations.

(2) All regulations made by the Postmaster-General or by the Treasury as aforesaid shall come into operation on the date specified therein in that behalf, and shall have effect as if enacted in this Act.

(3) So much of section eleven of the Post Office Savings Bank Act, 1861 [24 & 25 Vict. c. 14], as requires copies of regulations to be laid before both Houses of Parliament shall cease to have effect.

#### PART II.

##### NATIONAL SAVINGS CERTIFICATES AND TRANSFER OF GOVERNMENT STOCK.

**7. Statutory provisions relating to war savings certificates to apply to national savings certificates.**—References in any Act to war savings certificates shall include a reference to any national savings certificates issued by the Treasury through the Post Office.

**8. Transfer of Government stock by savings bank authorities.**—In the case of the death of any person, being either a depositor in a savings bank to whom Government stock has been credited or a person

entitled to Government stock inscribed in the Post Office register, the production of probate or letters of administration granted by any court in the Isle of Man or in any of the Channel Islands having authority to grant the same or of a certified copy of probate or letters of administration so granted shall, subject as hereinafter provided, be sufficient authority to the savings bank authority and (in so far as they are concerned) to the National Debt Commissioners, to transfer the Government stock to the person to whom the probate or letters of administration were granted or as directed by that person, and, where any stock is transferred in pursuance of the provisions of this section, the savings bank authority and the Commissioners shall, notwithstanding the invalidity of or any defect in the probate or letters of administration, be freed, discharged, and indemnified from and against all proceedings of any kind whatsoever brought against them by any person whatsoever for or in respect of the transfer of the stock:

Provided that a savings bank authority shall not transfer any Government stock in pursuance of the provisions of this section except on production to the authority of a certificate from the Commissioners of Inland Revenue showing either that all death duties payable in the United Kingdom in respect of the stock have been paid or that no duty is payable in the United Kingdom in respect thereof.

#### PART III.

##### GENERAL.

**9. Extension to Channel Islands and the Isle of Man.**—This Act shall extend to the Channel Islands and the Isle of Man and the Royal Courts of the Channel Islands shall register the same.

**10. Short title, interpretation, and repeal.**—(1) This Act may be cited as the Savings Banks Act, 1920.

(2) Part I. of this Act, so far as it relates to the Post Office savings bank, may be cited with and shall be construed as one with the Post Office Savings Bank Act, 1861 to 1908.

Part I. of this Act, so far as it relates to trustee savings banks, shall be construed as one with the Trustee Savings Banks Act, 1863 to 1918, and those Acts, section five of the National Debt (Supplemental) Act, 1888 [51 & 52 Vict. c. 15], and Part I. of this Act, so far as it relates to trustee savings banks may be cited together as the Trustee Savings Banks Act, 1863 to 1920.

(3) In this Act the expression "savings bank authority" means, as regards any trustee savings bank, the trustees of the bank, as regards any savings bank for seamen, the Board of Trade, and as regards the Post Office savings bank and Government stock inscribed in the Post Office register, the Postmaster-General, and references to stock inscribed in the Post Office register shall include references to securities registered in that register.

(4) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule, in the case of the enactments mentioned in the First Part of that schedule as from the commencement of this Act, and in the case of the enactments mentioned in the Second Part of that schedule as from the expiration of a period of six months after the termination of the present war.

#### SCHEDULE

##### [Section 10.]

##### ENACTMENTS REPEALED

##### PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
24 & 25 Vict. c. 14.	The Post Office Savings Banks Act, 1861.	Section eleven from "and all regulations" to the end of the section.
39 & 40 Vict. c. 52.	The Savings Banks (Barrister) Act, 1876.	In section three the words "not exceeding in any case one pound."
50 & 51 Vict. c. 40.	The Savings Banks Act, 1887.	Paragraph (c) of sub-section (1) of section one; in sub-section (1) of section three the words "not exceeding in the aggregate one hundred pounds" and the words from "and (c)" to the end of the sub-section; and section four.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Sub section (1) of section one hundred and forty-eight from "so that" to the end of the sub-section, and in sub-section (3) of that section the words "the amount of deposits."

PART II.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Geo. 4, c. 92	The Savings Bank Act, 1828.	Section twenty-seven from "to the amount" to the end of the section, so far as unrepealed.
26 & 27 Vict. c. 87.	The Trustee Savings Banks Act, 1863.	In section thirty-two the words from "with the approval" to "in that respect," the words "without restriction as to amount," and the words from "and also" to the end of the section, and in section thirty-nine the words from "the trustees" to "nor to prevent" and the words from "not exceeding" to the end of the section.
43 & 44 Vict. c. 36.	The Savings Banks Act, 1890.	Sub-section (6) of section three.
45 & 46 Vict. c. 51.	The Government Annuities Act, 1892.	Section seven from "(a) for the purpose" to "paid over to the depositor."
54 & 55 Vict. c. 21.	The Savings Banks Act, 1891.	Section eleven.
56 & 57 Vict. c. 69.	The Savings Banks Act, 1893.	Sections one and two, and section four from "but shall not" to the end of the section.
57 & 58 Vict. c. 47.	The Building Societies Act, 1894.	In section sixteen the words "provided that the whole amount, exclusive of Government stock, credited by the bank to the society does not exceed three hundred pounds at any one time," and the words "provided that the whole amount of Government stock credited by the bank to the society does not exceed five hundred pounds stock at any one time."

CHAPTER 13.

PROFITEERING (AMENDMENT) ACT, 1920.

An Act to amend and extend the duration of the Profiteering Act, 1919.

Be it enacted, &c. :-

1. *Schemes for fixing reasonable rates of profit.*—(1) Where any persons or associations of persons appearing to the Board of Trade to represent a substantial proportion of the persons engaged in the production or distribution of any article or class of articles to which the Profiteering Act, 1919 (9 & 10 Geo. 5, c. 66) (hereinafter referred to as "the principal Act"), is applied, submit to the Board of Trade a scheme limiting the profit to be allowed on the manufacture or distribution of the article or class of articles at all or any stages of manufacture or distribution, the Board of Trade may, if they think it expedient, approve the scheme, and, where any such scheme is so approved, any profit sought or obtained in connection with the sale of any article to which the scheme relates which does not exceed such profit as is allowed by or under the scheme shall not be deemed unreasonable for the purposes of section one of the principal Act.

(2) If the Board of Trade are satisfied that any scheme so approved secures an adequate supply to the home market of any articles or classes of articles to which the principal Act is applied, the Board of Trade may by order exempt producers who comply with the scheme from any general investigation under section one, sub-section (1) (a), of the principal Act in respect of those articles or classes of articles and any articles of a similar description.

2. *Amendments of section 1 of principal Act*—(1) Section one of the principal Act shall extend to hire purchase transactions and to the letting on hire of articles and offering to let articles on hire in like manner as it applies to the sale and offering for sale of articles, and the expressions "sale," "seller" and "price" shall be construed accordingly.

(2) The Board of Trade may, by order, extend section one of the principal Act to any process of manufacture, or the repairing, altering, dyeing, cleaning, washing or otherwise treating of any articles mentioned in the order and processes incidental thereto, or after consultation with the Minister of Transport to any form of road transport, subject to such modification as may be necessary to adapt the provisions of that section thereto.

(3) For the proviso to sub-section (2), of section one, of the principal Act, the following proviso shall be substituted :-

"Provided that the profit sought or obtained shall not, for the purposes of this section, be deemed to be unreasonable—

(a) in the case of a seller who was in the same way of business before the war, if the percentage rate of profit sought or obtained does not exceed the percentage rate of profit obtained by him upon the sale of similar articles before the war, due consideration being given to the relative costs and charges of carrying on the business; and

(b) in the case of a seller who was not in the same way of business before the war, if the percentage rate of profit sought or obtained by him does not exceed the average percentage rate of profit obtained by sellers in that way of business under similar conditions on the sale of similar articles before the war, due consideration being given to the relative costs and charges of carrying on the business.

The said proviso shall not apply in any case where the profit in respect of any transaction has been fixed by a scheme approved by the Board of Trade under this Act.

(4) Notwithstanding anything in any other Act, a prosecution for an offence under sub-section (2), of section one, of the principal Act may be instituted at any time within one year after the commission of the offence, except where the act constituting the offence is a sale by retail.

3. *Interpretation of s. 2 (b) of the principal Act.*—For removing doubts, it is hereby declared that a person shall not be deemed to be a trade competitor within the meaning of proviso (b) to sub-section (2), of section two, of the principal Act of a person against whom a complaint is lodged by reason only that he is a member of a co-operative society or a shareholder in a company which carries on a business of the same class or description as is carried on by that person, if he does not take part in the management of and is not an official of the co-operative society or company.

4. *Minor amendments of principal Act.*—The provisions of the principal Act specified in the first column of the Schedule to this Act shall have effect subject to the amendments specified in the second column of that schedule.

5. *Powers of inspection, &c., by officers of the Board of Trade.*—(1) For the purposes of an investigation under the principal Act, any officer of the Board of Trade or qualified accountant authorized in writing by the Board may require the production to him of any books or documents relating to any business the subject matter of the investigation and may inspect and examine and copy the same, and may make such inquiries relating to such business as may be necessary for the purposes of the investigation.

(2) If any person having the custody or control of any book or document which such officer or qualified accountant is authorized to inspect under this section unreasonably refuses or wilfully neglects to produce it for inspection, or if any person who is able to give any information which is required under this section unreasonably refuses or wilfully neglects, when required, to give that information, or knowingly furnishes any information which is false in any material particular, he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such imprisonment and fine.

(3) Subject as hereinafter expressly provided, any information obtained under this section shall be treated as confidential and shall not be communicated to any person except the Board of Trade and the committee by which the investigation is being conducted, and, if any person discloses or publishes any information so obtained in contravention of this provision, he shall, on conviction by a court of summary jurisdiction, be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such imprisonment and fine.

6. *Publication of reports.*—Where under the principal Act an investigation has been held, the findings and decisions of the Board of Trade or the committee or tribunal which held the investigation, and their report or any part thereof, shall, if the Board of Trade think fit in the public interest, be published, notwithstanding anything in the principal Act or this Act:

Provided that in no case shall a report of a committee dealing with the business in the United Kingdom carried on by any person, firm, or company mentioned in the report be published, unless such person, firm, or company, or a representative on their behalf, has had an opportunity of appearing before the committee and of being heard in connection with the matters dealt with in the report.

7. *Protection of secret processes, &c., against disclosure.*—Nothing in this Act or in the principal Act shall require particulars of any secret process or preparation, or of the ingredients used in such process or preparation to be disclosed, but the Board of Trade shall be entitled to require that the cost of production (exclusive of overhead charges) shall be furnished by the producer under the certificate verified by statutory declaration of a qualified accountant approved by the Board of Trade.

8. *Mode of action by Board of Trade.*—The principal Act shall have effect and shall be deemed always to have had effect as if the following provision had been inserted therein :-

"Anything authorized or required to be done to or by the Board



of Trade under this Act, may be done to or by the president or a secretary or assistant secretary of the Board, or any person authorized in that behalf by the President of the Board."

9. *Provisions against victimisation.*—If any person against whom a complaint has been made under the principal Act unreasonably refuses to sell or to offer for sale to the complainant any article which is exposed or offered by him for sale, and to which section one of the principal Act has been applied by order of the Board of Trade, he shall, on conviction by a court of summary jurisdiction, be liable to the like penalties as in the case of failure to comply with an order under section one of the principal Act.

10. *Short title, construction and duration.*—(1) This Act may be cited as the Profiteering (Amendment) Act, 1920; and the Profiteering Acts, 1919, and this Act may be cited together as the Profiteering Acts, 1919 and 1920.

(2) This Act shall be construed as one with the principal Act:

Provided that the limit on the expenses of the Board of Trade payable out of moneys provided by Parliament under that Act shall not apply to expenses incurred after the date of the passing of this Act, so, however, that the expenses so payable after that date shall not exceed one hundred and twenty thousand pounds.

(3) The principal Act shall be deemed to have continued in force until the date of the passing of this Act, and the principal Act as amended by this Act shall continue in force until the nineteenth day of May, nineteen hundred and twenty-one.

## SCHEDULE.

(SECTION 4.)

## AMENDMENTS.

Enactment Amended.	Amendments to be made.
S. 1 (1) ...	For the words "to which this Act applies" there shall be substituted the words "to which this section is applied" and at the end of paragraph (b) there shall be inserted the words "and on the investigation of any such complaint they may, by order, require any person to appear before them and to furnish such information and produce such documents as they may require."
S. 1 (3) ...	For the word "section" there shall be substituted the word "Act," and for the words "on summary conviction" there shall be substituted the words "on conviction by a court of summary jurisdiction."
S. 1 (4) ...	For the words "on summary conviction" there shall be substituted the words "on conviction by a court of summary jurisdiction."
S. 1 (7) ...	For sub-section (7) the following sub-section shall be substituted:—"This section applies to any article or class of articles to which it is applied by order of the Board of Trade, being an article or class of articles declared by the order to be one of a kind in common use by the public, or being material, machinery, or accessories used in the production thereof, but this section does not apply to transactions the price in respect of which is from time to time declared by a Government Department to be controlled."
S. 4 ...	For the words "to which this Act applies" there shall be substituted the words "to which section one of this Act is for the time being applied by order of the Board of Trade."
S. 7 (3) ...	At the beginning there shall be inserted the words "Notwithstanding any provision in any other Act to the contrary."

## CHAPTER 14.

## TRAMWAYS (TEMPORARY INCREASE OF CHARGES) ACT, 1920.

An Act to make further provision for the temporary modification of the charges which may be made in respect of and the obligations affecting Tramway Undertakings. [20th May, 1920.]  
Be it enacted, &c.:

1. *Amendment of s. 1 of 8 & 9 Geo. 5, c. 34, in its application to tramways.*—(1) The limitations contained in the proviso to sub-section (1) of section one of the Statutory Undertakings (Temporary Increase of Charges) Act, 1918 (hereinafter referred to as the principal Act), shall not apply in the case of orders made after the passing of this Act by the Minister of Transport in relation to tramway undertakings, but in lieu thereof the following limitations shall apply:—

(a) Where the undertakers are a local authority, no modification in the statutory provisions regulating the charges to be made by the undertakers shall be authorized which is more than sufficient, so far as can be estimated, to enable the undertaking to be carried on without loss; and

(b) In any other case, no such modification shall be authorized which is more than sufficient to provide, with due care and management, for interest on loan capital and for a reasonable return on share capital, regard being had to the pre-war financial condition of the company, and its prospective development.

(2) An order authorizing any increase in the statutory maximum charges applicable to a tramway undertaking may attach such conditions thereto as the Minister may think proper, and may modify any statutory provisions, and the provisions of any agreement, whether or not confirmed by an Act or order having the force of an Act, which impose obligations on the undertakers as to the frequency of any tramway service.

(3) Before making an order in pursuance of the powers conferred by the principal Act as amended by this Act the Minister shall refer the matter to the advisory committee hereinafter constituted for their consideration and report:

Provided that, if in the case of any tramway undertaking it appears to the Minister that there is ground for making an order, and that the case is one of urgency, he may, without any such reference and without any such notices as are required by the principal Act, make an interim order increasing the statutory maximum charges by such amount, not exceeding one hundred per cent., and subject to such conditions, as he thinks proper; but an interim order shall not remain in force more than six months, and, where any interim order is made, the Minister shall forthwith refer the matter to the advisory committee.

(4) The charges authorized by any order made under the principal Act as amended by this Act may be charged notwithstanding any statutory provisions or any agreement whether or not confirmed by an Act or order having the force of an Act.

(5) If at any time it appears to the Minister of Transport that, owing to changes in the cost of labour or materials or other circumstances affecting a tramway undertaking with respect to which an order has been made, the powers of charging effected by the order are insufficient or excessive for the purposes aforesaid, the Minister may, and, if representations to that effect are made to him by the undertakers or by the local authority of any district served by the tramway, or in case where the local authority are the undertakers by twenty ratepayers in the district, he shall refer the matter to the advisory committee hereinafter constituted, and may, after considering any report of the committee, make an order revising the powers of charging so authorized as aforesaid; so, however, that revised maximum charges shall not in any case be less than the statutory maximum charges applicable to the undertaking.

2. *Advisory Committee.*—(1) For the purpose of giving advice and assistance to the Minister of Transport with respect to the making of orders in relation to tramway undertakings and for safeguarding the interests of users of tramways, a committee shall be constituted, consisting of the Light Railway Commissioners and such members of the panel set up under section twenty-three of the Ministry of Transport Act, 1919 [9 & 10 Geo. 5, c. 50], as the Ministry may appoint for the purpose, and such member as the Minister may appoint shall be chairman of the committee, and the committee, if so authorized by the Minister of Transport, may delegate to sub-committees thereof any of its powers and duties under this Act.

(2) The committee, before reporting or advising on any matters referred to them under this Act shall, unless in their discretion they consider it unnecessary or undesirable to do so, give such public notice as they think best adapted for informing persons affected of the date when and the place where they will enquire into the matter, and any person affected may make representations to the committee, and; unless in their discretion the committee consider it unnecessary, shall be heard at such inquiry, and, if the committee in their discretion think fit, the whole or any part of the proceedings at such inquiry may be open to the public:

Provided that, for the purpose of this provision, the council of any city, borough, burgh, county, or district shall be deemed to be persons affected in any case where such council or any persons represented by them may be affected by any proposed order.

(3) The committee shall hear such witnesses and call for such documents and accounts as they think fit, and shall have power to take evidence on oath, and for that purpose any member of the committee may administer oaths.

3. *Supplemental Provisions.*—(1) The Minister of Transport may, for the purposes of this Act, employ such accountants as he may think fit, and it shall be the duty of tramway undertakers to furnish to any such accountant such information and to produce to him such accounts and books as he may require for the purpose of reporting to the Minister or the Advisory Committee as to the financial position of the undertaking.

(2) The costs incurred by the Minister in connection with any application for an order under this Act, including the remuneration of any such accountant, shall be paid by the undertakers, and the Minister of Transport may certify the amount of costs incurred, and any sum so certified and directed by the Minister to be paid by the undertakers shall be a debt to the Crown from those undertakers.

(3) For determining the cost of labour for the purposes of this Act, the Minister of Labour shall, at the request of the Minister of Transport, certify what are the rates of wages which have been fixed either

by the National Joint Industrial Council for the tramway industry or be an award under the Industrial Courts Act, 1919 (9 & 10 Geo. 5, c. 69.)

(4) For the purposes of this Act, statutory maximum charges shall not include any charges authorized by an order under the principal Act or this Act.

(5) For the purposes of this Act, the word "tramway" shall include light railways constructed wholly or mainly on public roads, and, where a tramway undertaking is leased to or worked by a company or person other than the owners thereof, "undertakers" shall, for the purposes of the principal Act and this Act, include that company or person, and, where a tramway undertaking is leased to or worked by a company or person other than the owners thereof, "undertakers" shall, for the purposes of the principal Act and this Act, include that company or person.

4. *Short Title, Construction and Duration.*—(1) This Act may be cited, as the Tramways (Temporary Increase of Charges) Act, 1920, and shall be construed as one with the principal Act.

(2) Notwithstanding anything in the principal Act, that Act as amended by this Act shall, in relation to tramway undertakings, have effect until the fifteenth day of February, nineteen hundred and twenty-three.

## CHAPTER 15.

### REPRESENTATION OF THE PEOPLE (No. 2) ACT, 1920.

An Act to remove doubts as to the interpretation of sub-section (4) of section five of the Representation of the People Act, 1918.

[2nd July, 1920.]

Be it enacted, &c. :—

1. *Interpretation of section 5 (4) of 8 Geo. 5, c. 64.*—For the removal of doubts, it is hereby declared that—

(a) a person who, by virtue of sub-section (4) of section five of the Representation of the People Act, 1918, has at any time become entitled, as a male naval or military voter serving or having served in or in connection with the war, to be registered as a parliamentary elector before attaining full age, continues to be entitled, if otherwise qualified, to be registered as a parliamentary elector before attaining full age, notwithstanding that the service which brings him within the provisions of that section has ceased; and

(b) the expression "service" in the said sub-section (4) means service in or in connection with the war.

2. *Short title.*—This Act may be cited as the Representation of the People (No. 2) Act, 1920, and the Representation of the People Acts, 1918 and 1919, and this Act may be cited together as the Representation of the People Acts, 1918 to 1920.

## CHAPTER 16.

### IMPERIAL WAR MUSEUM ACT, 1920.

An Act to make provision for the management of the Imperial War Museum and for other purposes connected therewith.

[2nd July, 1920.]

[FOR CHAPTER 17 SEE *ante* STATUTE PAGE 10.]

## CHAPTER 18.

### FINANCE ACT, 1920.

An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the Law relating to Customs and Inland Revenue (including Excise), and the National Debt, and to make further provision in connection with Finance.

[4th August, 1920.]

Be it enacted, &c. :—

#### PART I.

##### CUSTOMS AND EXCISE.

1. *Continuation of customs duties imposed under 5 & 6 Geo. 5, c. 89.*
2. *Continuation of increased medicine duties.*
3. *Increased duties on spirits.*
4. *Spirits used in medical preparations or for scientific purposes.*
5. *Increased customs duties on beer.*
6. *Increased excise duty on beer.*
7. *Increased duties on wine.*
8. *Amendment of s. 45 of 10 Ed. 7, c. 8.*
9. *Additional duty on cigars.*
10. *Calculation of value for purposes of ad valorem duty on wines and cigars.*

11. *Provisions as to spirits used for generating mechanical power.*—(1) Sub-section (1) of section one of the Revenue Act, 1906 [6 & 7 Geo. 5, c. 20], which provides for the payment of an allowance in respect of spirits used for making industrial methylated spirits, shall apply to power methylated spirits as it applies to industrial methylated spirits.

(2) The provisions of sub-section (3) of section one hundred and twenty-three of the Spirits Acts, 1880 [43 & 44 Vict. c. 24], shall not apply in the case of power methylated spirits, and the substance to be

mixed with spirits for the purpose of methylation shall, in the case of power methylated spirits, be such substance or combination of substances, and shall be used in such proportion, as the Commissioners of Customs and Excise may by regulations prescribe.

(3) In this section the expression "power methylated spirits" means any methylated spirits (other than mineralised methylated spirits) which are intended to be used in generating mechanical power.

12. *Repeal of customs duties on motor spirit and motor spirit dealers' licence duties.*—As from the first day of January, nineteen hundred and twenty-one, the customs duties on motor spirit imported into Great Britain or Ireland and the excise duty on licences to be taken out annually by dealers in motor spirit shall cease to be chargeable.

13. *Duty on licences for mechanically propelled vehicles.*—(1) Any excise duty which is chargeable at the commencement of this Act in respect of any vehicle which is chargeable with duty as a mechanically propelled vehicle under this section shall cease to be chargeable as from the first day of January, nineteen hundred and twenty-one, and on and after that date there shall be charged, levied, and paid in Great Britain and Ireland in respect of mechanically propelled vehicles used on public roads duties of excise at the rates specified in the Second Schedule to this Act.

(2) The duties charged under this section shall be paid annually upon licences to be taken out by the person keeping the vehicle:

Provided that—

(a) a licence may be taken out in respect of any mechanically propelled vehicle (other than a cycle, or a tramcar, or a vehicle on which a duty of five shillings is chargeable under this section) for one-quarter of the year only beginning on the first day of January, the twenty-fifth day of March, the first day of July, or the first day of October, and in the case of any licence so taken out the duty shall be thirty per cent. of the full annual duty; and

(b) where a person commences to keep or use a cycle or tramcar on or after the first day of October in any year, he shall, on delivering a declaration in writing signed by him to that effect, be entitled to take out a licence for that vehicle on payment of one half of the full annual duty.

(3) The unit of horse-power for the purpose of any rate of duty under the Second Schedule to this Act shall be calculated in accordance with regulations made by the Minister of Transport for the purpose.

(4) No duty shall be payable under this section in respect of fire-engines, vehicles kept by a local authority while they are used for the purposes of their fire-brigade service, ambulances, or road rollers.

(5) The Minister of Transport may make regulations providing for the total or partial exemption for a limited period from the duty payable under this section of any vehicle brought into the United Kingdom by persons making only a temporary stay in the United Kingdom.

#### PART II.

##### INCOME TAX.

14. *Income tax for 1920-21.*—(1) Income tax for the year 1920-21 shall be charged at the rate of six shillings.

(2) All such enactments relating to income tax as were in force with respect to duties of income tax granted for the year 1919-20 shall have full force and effect with respect to any duties of income tax granted by this Act.

(3) The annual value of any property which has been adopted for the purpose either of income tax under Schedules A and B, or of inhabited house duty, for the year 1919-20, shall be taken as the annual value of that property for the same purpose for the year 1920-21; provided that this sub-section—

(a) so far as respects the duty on inhabited houses in Scotland, shall be construed by reference to a year of assessment ending on the twenty-fourth day of May instead of on the fifth day of April; and

(b) shall not apply to lands, tenements, and hereditaments in the administrative county of London with respect to which the valuation list under the Valuation (Metropolis) Act, 1869 [32 & 33 Vict. c. 67], is, by that Act, made conclusive for the purposes of income tax and inhabited house duty.

15. *Super-tax for 1920-21.*—(1) Super-tax shall be charged in respect of the income of any individual the total of which from all sources exceeds two thousand pounds, and Part II. of the Income Tax Act, 1918 [8 & 9 Geo. 5, c. 40], shall have effect accordingly.

(2) The rates of super-tax for the year 1920-21 shall, for the purposes of section four of the Income Tax Act, 1918, as amended by this Act, be as follows:—

In respect of the first two thousand pounds of the income, nil

In respect of the excess over two thousand pounds—

For every pound of the first five hundred pounds of the excess, one shilling and sixpence.

For every pound of the next five hundred pounds of the excess, two shillings.

For every pound of the next one thousand pounds of the excess, two shillings and sixpence.

For every pound of the next one thousand pounds of the excess, three shillings.

For every pound of the next one thousand pounds of the excess, three shillings and sixpence.

For every pound of the next one thousand pounds of the excess, four shillings.



For every pound of the next one thousand pounds of the excess, four shillings and sixpence.

For every pound of the next twelve thousand pounds of the excess, five shillings.

For every pound of the next ten thousand pounds of the excess, five shillings and sixpence.

For every pound of the remainder of the excess, six shillings.

(3) All such enactments relating to super-tax as were in force with respect to the super-tax granted for the year 1919-20 shall have full force and effect with respect to the super-tax granted under this section.

(4) In estimating the total income of any individual for the purpose of super-tax, the amount of any earned income shall be taken to be the full amount of that income without the deduction of any allowance under this Part of the Act, and section five of the Income Tax Act, 1918, shall have effect accordingly.

**16. Allowance on respect of earned income.**—For the purpose of ascertaining the amount of the assessable income of an individual for the purpose of income tax, there shall be allowed in the case of earned income a deduction from the amount of that income as estimated in accordance with the provisions of the Income Tax Acts of a sum equal to one-tenth of the amount of that income, but not exceeding in the case of any individual two hundred pounds.

**17. Deductions to be allowed in ascertaining taxable income.**—(1) An individual who, in the manner prescribed by the Income Tax Acts, makes a claim in that behalf and who makes a return in the prescribed form of his total income shall be entitled for the purpose of ascertaining the amount of the income on which he is to be charged to income tax (in this Act referred to as "the taxable income") to have such deductions as are specified in the five sections of this Act next following made from his assessable income.

(2) The provisions of sections twenty-seven, twenty-eight, twenty-nine, and thirty of the Income Tax Act, 1918, and of paragraph XVII. of the Fifth Schedule to that Act, shall apply for the purpose of claims for any such deductions as aforesaid as if those provisions were re-enacted in this Act and in terms made applicable to such claims.

**18. Personal allowance.**—(1) The claimant, if he proves that for the year of assessment he has his wife living with him, or that his wife is wholly maintained by him during the year of assessment, and that he is not entitled in computing the amount of his income for that year for the purposes of the Income Tax Acts to make any deduction in respect of the sums paid for the maintenance of his wife, shall be entitled to a deduction of two hundred and twenty-five pounds, and in any other case to a deduction of one hundred and thirty-five pounds.

(2) If the total income of the claimant includes any earned income of his wife the deduction to be allowed under this section shall be increased by an amount equal to nine-tenths of the amount of that earned income, but not exceeding in any case forty-five pounds.

**19. Deduction in respect of relatives taking charge of widower's or widow's children.**—(1) If the claimant proves that he is a widower and that for the year of assessment a person being a female relative of his or of his deceased wife is resident with him for the purpose of having the charge and care of any child of his, or he proves that he has no female relative of his own or of his deceased wife who is able or willing to take such charge and that he has employed some other female person to undertake the same, he shall, subject as hereinafter provided, be entitled to a deduction of forty-five pounds in respect of that female relative or other female person:

Provided that—

(a) no deduction shall be allowed under this section unless the claimant proves that no other individual is entitled to a deduction in respect of the female relative under the provisions of this Part of this Act or, if any other individual is so entitled, that the other individual has relinquished his claim thereto; and

(b) no deduction shall be allowed under this section where the female relative is a married woman living with her husband, and the husband has claimed and been allowed a deduction of two hundred and twenty-five pounds under the preceding provisions of this Part of this Act.

(2) In this section the expression "child" means a child in respect of whom a deduction is allowed under this Part of this Act.

(3) This section shall apply to a claimant being a widow as it applies to a claimant being a widower, with the substitution of "her deceased husband" for "his deceased wife."

**20. Deduction in respect of widowed mother, &c.**—If the claimant proves—

(a) that he is unmarried and that he has living with him either his mother, being a widow or a person living apart from her husband, or some other female relative, for the purpose of having the charge and care of any brother or sister of his, being a child in respect of whom a deduction is allowed under this part of this Act, and that he maintains the mother or other relative at his own expense; and

(b) that neither he nor any other individual is entitled to a deduction in respect of the same person under any of the other provisions of this part of this Act, or if any other individual is entitled to any such deduction that the other individual has relinquished his claim thereto,

he shall be entitled to a deduction of forty-five pounds.

**21. Deduction in respect of children.**—(1) If the claimant proves that he has living at the commencement of the year of assessment any child who is either under the age of sixteen years or who, if over the age of sixteen years at the commencement of that year, is receiving full time instruction at any university, college, school, or other educational establishment, he shall, subject to the provisions of this section, be entitled in respect of one child to a deduction of thirty-six pounds and in respect of each subsequent child to a deduction of twenty-seven pounds.

The expression "child" in this provision includes a step-child and an illegitimate child whose parents have married each other after his birth.

(2) If the claimant proves that for the year of assessment he has the custody of and maintains at his own expense any child who is under the age of sixteen years at the commencement of that year, or who, if over the age of sixteen years at the commencement of that year, is receiving such full-time instruction as aforesaid, and that neither he nor any other individual is entitled to a deduction in respect of the same child under the foregoing provisions of this section or under any of the other provisions of this Part of this Act, or, if any other individual is entitled to such a deduction, that that other individual has relinquished his claim thereto, he shall be entitled in respect of the child to the same deduction as if the child were a child of his.

(3) No deduction shall be allowed under this section in respect of any child who is entitled in his own right to an income exceeding forty pounds a year:

Provided that in calculating the income of the child for the purposes of the foregoing provision no account shall be taken of any income to which the child is entitled as the holder of a scholarship, bursary, or other similar educational endowment.

(4) If any question arises as to whether any person is entitled to an allowance under this section in respect of a child who is over the age of sixteen years, as being a child who is receiving such full-time instruction as aforesaid, the Commissioners of Inland Revenue may, on the request of the Income Tax Commissioners concerned, consult the Board of Education.

In the application of this sub-section to Scotland and Ireland, the Scottish Education Department and the Lord Lieutenant of Ireland shall respectively be substituted for the Board of Education.

**22. Deduction in respect of dependent relatives.**—(1) If the claimant proves that he maintains at his own expense any person, being a relative of his or of his wife who is incapacitated by old age or infirmity from maintaining himself, or his or his wife's widowed mother, whether incapacitated or not, and being a person whose total income from all sources does not exceed fifty pounds a year, he shall be entitled to a deduction of twenty-five pounds in respect of each person whom he so maintains, and a like deduction shall be made in the case of a claimant who, by reason of old age or infirmity, is compelled to depend upon the services of a daughter resident with and maintained by him or her.

(2) Where two or more persons jointly maintain any such person as aforesaid, the deduction to be made under this section shall be apportioned between them in proportion to the amount or value of their respective contributions towards the maintenance of that person.

(3) This section shall apply to a claimant being a female person as it applies to a claimant being a male person with the substitution of "husband" for "wife."

**23. Reduced rate of tax on first two hundred and twenty-five pounds of taxable income.**—The rate at which the first two hundred and twenty-five pounds of the taxable income of an individual shall be charged to income tax shall be half the standard rate of tax.

**24. No relief where individual not resident in the United Kingdom.**—(1) Subject as hereinafter provided, no allowance in respect of earned income, and no deduction from assessable income, shall be given or made, and income tax on the first two hundred and twenty-five pounds of the taxable income shall not be chargeable at the reduced rate, under the foregoing provisions of this Part of this Act, and no relief shall be granted under section thirty-two of the Income Tax Act, 1918, in the case of any individual who is not resident in the United Kingdom:

Provided that the foregoing provision shall not apply in the case of any individual who satisfies the Commissioners of Inland Revenue that he or she—

- (a) is a British subject; or
- (b) is a person who is or has been employed in the service of the Crown, or who is employed in the service of any missionary society or in the service of any native State under the protection of His Majesty; or
- (c) is resident in the Isle of Man or the Channel Islands; or
- (d) has previously resided within the United Kingdom and is resident abroad for the sake of his or her health or the health of a member of his or her family resident with him or her; or
- (e) is a widow whose late husband was in the service of the Crown;

so, however, that no such allowance, deduction, reduction of rate, or relief as aforesaid shall be given so as to reduce the amount of the income tax payable by that individual below an amount which bears the same proportion to the amount which would be payable by him by way of tax if the tax were chargeable on his total income from all



sources, including income which is not subject to income tax charged in the United Kingdom, as the amount of the income subject to income tax so charged bears to the amount of his total income from all sources.

(2) Any person who is aggrieved by a decision of the Commissioners of Inland Revenue under this section may appeal to the Special Commissioners.

**25. Right of husband and wife to claim relief separately.**—(1) Where, on an application made for the purpose under the provisions of the Income Tax Acts, income tax for any year is assessable and chargeable on the incomes of the husband and wife respectively as if they were not married:—

(a) All the provisions of the Income Tax Acts relating to claims for an allowance in respect of earned income and deductions from assessable income and for relief under section thirty-two of the Income Tax Act, 1918, and the proof to be given with respect thereto, shall apply as if they were not married; and

(b) The income of the husband and the wife shall be aggregated in estimating the amount to be repaid or allowed in respect of the allowances or deductions aforesaid, and for the purpose of the reduction of the rate of tax on the first two hundred and twenty-five pounds of the taxable income, and the total amount of any allowances or deductions given or made in respect of the incomes of husband and wife shall not exceed such an amount as would have been given on account of those allowances and deductions if such an application as aforesaid had not been made, and no reduction of the rate of tax shall be allowed in respect of more than two hundred and twenty-five pounds of the taxable income in all; and

(c) The benefit of any such allowance or deduction and the reduction of the rate of tax on the first two hundred and twenty-five pounds of the taxable income may be given either by way of reduction of the amount of the tax to be paid, or by repayment of any excess of tax which has been paid, or by both of these means, as the case requires, and shall be given to the husband and the wife as regards the allowance in respect of earned income in proportion to the amounts of their respective earned incomes, and as regards deductions from assessable income and the reduction of the rate of tax, in proportion to the amounts of their respective assessable incomes:

Provided that in the case of relief given under section thirty-two of the Income Tax Act, 1918, the benefit of the relief shall be given to the husband or wife, as the case may be, by whom the payment is made, and in the case of a deduction claimed in respect of a child under sub-section (2) of the foregoing section of this Act relating to the deduction in respect of children, or in respect of any person under the foregoing section of this Act relating to the deduction in respect of dependent relatives, shall be given to that one of the married persons by whom the child or relative is maintained; and

(d) For the purpose of any of the above-mentioned allowances or deductions or reliefs a return may be made by the husband or the wife of the total income of the husband and wife, but if the Commissioners of Inland Revenue are not satisfied with the return they may obtain a return from the wife or husband, as the case may be.

(2) The Commissioners of Inland Revenue may require returns for the purposes of this section to be made at any time, and the provisions of the Income Tax Acts relating to penalties for neglect or refusal to deliver or for delay in delivering true and correct statements of profits or gains shall, with the necessary modifications, apply in the case of the neglect or refusal to make or wilful delay in making any such return.

**26. Amendment of s. 32 of 8 & 9 Geo. 5, c. 40.**—Section thirty-two of the Income Tax Act, 1918 (which relates to relief in respect of life insurance premiums), shall be amended as follows:—

(1) For the words in sub-section (1) from “(b) who is” to the end of the sub-section there shall be substituted the following words:—

“(b) who is under any Act of Parliament or under the terms or conditions of his employment liable to the payment of any sum or to the deduction from his salary or stipend of any sum for the purpose of securing a deferred annuity to his widow or provision for his children after his death;

shall, subject as hereinafter provided, be entitled to have the amount of tax payable by him reduced by a sum representing tax at the appropriate rate on the amount of the premium paid by him for any such insurance or contract or on the amount of the sum paid by him or deducted from his salary or stipend.

“For the purposes of this section, the expression ‘appropriate rate’ means—

“(i) where the total income of the claimant from all sources estimated in accordance with the provisions of the Income Tax Acts does not exceed one thousand pounds, half the standard rate of tax:

“(ii) where the total income of the claimant from all sources estimated as aforesaid exceeds one thousand pounds but does not exceed two thousand pounds, three-fourths of the standard rate of tax:

“(iii) where the total income of the claimant from all sources estimated as aforesaid exceeds two thousand pounds, the standard rate of tax.”

(2) At the end of sub-section (2) there shall be inserted the words “at the appropriate rate.”

(3) In paragraph (c) of sub-section (3) after the words “or not”

there shall be inserted the words “the amount of the tax calculated at the appropriate rate on an amount equal to.”

(4) In paragraph (d) of sub-section (3) for the words “exceed one hundred pounds in all” there shall be substituted the words “in any case exceed the amount of the tax calculated at the appropriate rate on one hundred pounds.”

(5) In paragraph (e) of sub-section (3) for the words “three shillings in the pound” there shall be substituted the words “half the standard rate of tax.”

(6) In the proviso to paragraph (e) of sub-section (3), after the word “business” there shall be inserted the words “or for the benefit of the wife or widow of any such employee or person or of his children or other dependants.”

(7) At the end of the section there shall be inserted the following new sub-sections:—

“(8) Where a premium is paid by a wife out of her separate income in respect of an insurance on her own life or the life of her husband or a contract for any deferred annuity on her own life or the life of her husband, the same allowance of tax shall be made as if the premium were a premium paid by her husband for an insurance on his own life or for a contract for a deferred annuity on his own life, and this section shall apply accordingly.

“(9) Where the tax ultimately payable by any person after deducting the allowance under this section is greater than the amount of tax which would be payable if the total income of that person exceeded one thousand pounds or two thousand pounds, as the case may be, the allowance under this section shall be increased by a sum representing the amount by which tax at one-fourth of the standard rate on the amount of the premiums or payment in respect of which the allowance is made exceeds the amount of the tax at the standard rate on the amount by which the total income falls short of one thousand pounds or two thousand pounds, as the case may be.

**27. Relief in respect of Dominion income tax.**—(1) If any person who has paid, by deduction or otherwise, or is liable to pay, United Kingdom income tax for any year of assessment on any part of his income proves to the satisfaction of the Special Commissioners that he has paid Dominion income tax for that year in respect of the same part of his income, he shall be entitled to relief from United Kingdom income tax paid or payable by him on that part of his income at a rate thereon to be determined as follows:—

(a) if the Dominion rate of tax does not exceed one-half of the appropriate rate of United Kingdom tax, the rate at which relief is to be given shall be the Dominion rate of tax:

(b) in any other case the rate at which relief is to be given shall be one-half of the appropriate rate of United Kingdom tax.

For the purpose of this section, the expression “the appropriate rate of United Kingdom tax” means the rate at which the claimant for the year to which the claim relates has borne or is liable to bear United Kingdom income tax, and where the claimant is liable to United Kingdom super-tax the expression “the appropriate rate of United Kingdom tax” means a rate equal to the sum of the rates at which he has borne or is liable to bear United Kingdom income tax and super-tax respectively for that year.

(2) Where a person has not established his claim to relief under this section for any year of assessment before the first day of January in that year, the relief shall be granted by way of repayment of tax.

(3) Where by reason of the allowance of relief under this section the rate of United Kingdom income tax deducted from or paid in respect of any part of the income of any individual is less than the standard rate, and the rate of the relief so allowed is greater than the rate appropriate to the case of that individual, such an adjustment shall be made in allowing to that individual any relief to which he may be entitled under the provisions of this Part of this Act relating to the rate of tax on the first two hundred and twenty-five pounds of taxable income as may be necessary to secure that the amount of United Kingdom income tax finally paid or borne by him shall be equal to the amount which would have been paid or borne if the relief under this section had in the first instance been given at the rate appropriate to his case.

(4) Notwithstanding anything in the Rules applicable to Case IV. or Case V. or Schedule D or in any other provision of the Income Tax Acts, no deduction shall be made on account of the payment of Dominion income tax in estimating income for the purposes of United Kingdom income tax, and where income tax has been paid or is payable in any Dominion either on the income out of which income subject to United Kingdom income tax arises or is received, or as a direct charge in respect of that income, the income so subject to United Kingdom income tax shall be deemed to be income arising or received after deduction of Dominion income tax and an addition shall, in estimating income for the purposes of the United Kingdom income tax, be made to that income of the proportionate part of the income tax paid or payable in the Dominion in respect of the income out of which that income arises or is received together with the full amount of any Dominion income tax directly charged or chargeable in the Dominion in respect of that income:

Provided that—

(a) where any income arising or received as aforesaid consists of dividends which are entrusted to any person in the United Kingdom for payment and the Special Commissioners are satisfied that the person so entrusted is not in a position to ascertain the amount

of the addition to be made under this sub-section, the assessment and charge may be made on the amount of the dividends as received by the person so entrusted, but in any such case the amount of the addition shall be chargeable on the recipient of the dividends under Case VI. of Schedule D; and

(b) where under the laws in force in any Dominion no provision is made for the allowance of relief from Dominion income tax in respect of the payment of United Kingdom income tax, then in assessing or charging income tax in the United Kingdom in respect of income assessed or charged to income tax in that Dominion a deduction shall be allowed in estimating income for the purpose of United Kingdom income tax of an amount equal to the difference between the amount of the Dominion income tax paid or payable in respect of the income and the total amount of the relief granted from the United Kingdom income tax in respect of the Dominion income tax for the period on the income of which the assessment or charge to United Kingdom income tax is computed.

In this sub-section the expression "dividends" includes any interest, annuities, dividends, shares of annuities, pensions, or other annual payments or sums in respect of which tax is charged under the Rules applicable to Schedule C or under Rule VII. of the Miscellaneous Rules applicable to Schedule D.

(5) Where under Rule 20 of the General Rules applicable to Schedules A, B, C, D, and E, a body of persons is entitled to deduct income tax from any dividends, tax shall not in any case be deducted at a rate exceeding the rate of the United Kingdom income tax as reduced by any relief from that tax given under this section in respect of any payment of Dominion income tax.

(6) Where under the law in force in any Dominion provision is made for the allowance of relief from Dominion income tax in respect of the payment of United Kingdom income tax, the obligation as to secrecy imposed by the Income Tax Acts upon persons employed in relation to Inland Revenue shall not prevent the disclosure to the authorised officer of the Government of the Dominion of such facts as may be necessary to enable the proper relief to be given in cases where relief is claimed both from United Kingdom income tax and from Dominion income tax.

(7) The Commissioners of Inland Revenue may from time to time make regulations generally for carrying out the provisions of this section, and may, in particular, by those regulations provide:—

(a) For making such arrangements with the Government of any Dominion to which the last preceding sub-section applies as may be necessary to enable the appropriate relief to be granted:

(b) For prescribing the year which in relation to any Dominion income tax is, for the purposes of relief under this section, to be taken as corresponding to the year of assessment for the purposes of United Kingdom income tax.

(8) In this section:—

(a) The expression "Dominion" means any British possession, or any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions:

(b) The expressions "United Kingdom income tax" and "United Kingdom super-tax" mean respectively income tax and super-tax chargeable in accordance with the provisions of the Income Tax Acts:

(c) The expression "Dominion income tax" means any income tax or super-tax charged under any law in force in any dominion, if that tax appears to the Special Commissioners to correspond with United Kingdom income tax or super-tax:

(d) The expression "Dominion rate of tax" means the rate determined by dividing the amount of the Dominion income tax paid for the year by the amount of the income in respect of which the Dominion income tax is charged for that year, except that where the Dominion income tax is charged on an amount other than the ascertained amount of the actual profits the Dominion rate of tax for the purposes of this section shall be determined by the Special Commissioners.

For the purposes of this section, the rate of United Kingdom income tax shall be ascertained by dividing by the amount of the taxable income of the person concerned the amount of tax payable by that person or that income before deduction of any relief granted in respect of life assurance premiums or any relief granted under the provisions of this section, and the rate of United Kingdom super-tax shall be ascertained by dividing the amount of the super-tax payable by any person by the amount of that person's total income from all sources as estimated for super-tax purposes.

**29. Exemption in respect of income from scholarships.**—(1) Income arising from a scholarship held by a person receiving full-time instruction at a university, college, school, or other educational establishment, shall be exempt from income tax (including super-tax), and no account shall be taken of any such income in computing the amount of income for the purposes of the Income Tax Acts.

(2) In this section the expression "scholarship" includes an exhibition, bursary, or any other similar educational endowment.

(3) If any question arises whether any income is income arising from a scholarship held as aforesaid, the Commissioners of Inland Revenue may, on the request of the Income Tax Commissioners concerned, consult the Board of Education.

In the application of this sub-section to Scotland and Ireland, the

Scottish Education Department and the Lord Lieutenant, respectively, shall be substituted for the Board of Education.

**29. Amendment of 9 & 10 Geo. 5, c. 32, s. 19.**—Section nineteen of the Finance Act, 1919, shall have effect as though for the word "seventy" there were substituted the words "one hundred and five," for the word "sixty" there were substituted the word "ninety," and for the words "fifty-two" there were substituted the words "seventy-eight."

**30. Extension of s. 25 of 9 & 10 Geo. 5, c. 32.**—Section twenty-five of the Finance Act, 1919 (which relates to the tax on income from converted Government securities), shall apply to securities which have been exchanged for five and three-quarter per cent. Exchequer Bonds, 1925, or for any other Government securities which may be issued at any time after the commencement of this Act, as it applies to securities which have been accepted as the equivalent of cash in payment for allotments of Victory Bonds.

**31. Computation of profits and gains for purposes of income tax in relation to corporation profits tax.**—Paragraphs (1), (2) and (3) of Rule four of the Rules applicable to Cases I. and II. of Schedule D (which provide for adjustment of income tax in cases where excess profits duty has been paid), shall have effect as if references therein to excess profits duty included corporation profits tax.

**32. Consequential and minor amendments to 8 & 9 Geo. 5, c. 40.**—The amendments specified in the second column of the Third Schedule to this Act, which are consequential or relate to minor details, shall be made in the provisions of the Income Tax Act, 1918, specified in the first column of that schedule.

**33. Interpretation.**—In this Part of this Act and in any subsequent enactment relating to income tax, except where otherwise expressly provided—

The expression "earned income" means income which is earned income within the meaning of section fourteen of the Income Tax Act, 1918, and also includes any income arising in respect of Civil List pensions granted under the Civil List Act, 1837 [1 & 2 Vict. c. 2], as amended by any subsequent enactment:

The expression "relative" includes any person of whom the person claiming a deduction had the custody and whom he maintained at his own expense while that person was under the age of sixteen years:

The expression "standard rate of tax" means the full rate of income tax charged for the year:

The expression "assessable income" in the case of any income other than earned income means the amount of that income as estimated in accordance with the provisions of the Income Tax Acts.

### PART III.

#### STAMPS.

**34. Stamp duty on receipts.**—The stamp duty chargeable under the heading "RECEIPT given for, or upon the payment of, money amounting to 2l. or upwards" in the First Schedule to the principal Act, shall be twopence instead of one penny.

**35. Stamp duty on script certificates, &c.**—The stamp duty chargeable under the heading "SCRIPT CERTIFICATE, SCRIPT, or other document" in the First Schedule to the principal Act shall be twopence instead of one penny.

**36. Stamp duty on transfers of stocks and marketable securities.**—(1) The proviso to section seventy-three of the Finance (1909-10) Act, 1910 [10 Ed. 7, c. 8] (which exempts from the operation of that section certain conveyances and transfers), shall not have effect as regards any conveyances or transfers whatsoever of any stocks or marketable securities, and accordingly the stamp duties chargeable on any such conveyances or transfers under the heading "CONVEYANCE OF TRANSFER on sale of any property" in the First Schedule to the principal Act shall be double those specified in that schedule.

(2) The stamp duties chargeable under the heading "CONVEYANCE OR TRANSFER whether on sale or otherwise" in the First Schedule to the principal Act shall, in the case of conveyances or transfers on sale or conveyances or transfers operating as voluntary dispositions *inter vivos*, be double those specified in that schedule.

**37. Stamp duty on transfer of certain colonial and foreign stocks.**—(1) The stamp duty chargeable by way of composition for stamp duty under section one hundred and fourteen of the principal Act, as extended by section thirty-nine of the Finance Act, 1894 [57 & 53 Vict. c. 30], and section five of the Finance Act, 1898 [61 & 62 Vict. c. 107], shall be double the amount charged by the said section one hundred and fourteen.

(2) The stamp duty chargeable under section one hundred and fifteen of the principal Act by way of composition for stamp duty shall, in the case of accounts required to be delivered on or within seven days before the first day of August nineteen hundred and twenty, be eleven pence, and in the case of all accounts delivered subsequently be one shilling, for every hundred pounds and any fraction of one hundred pounds over any multiple of one hundred pounds.

(3) Any agreement entered into before the passing of this Act between the Commissioners of Inland Revenue and any persons under any Act, other than the principal Act, for the payment to the Commissioners of any sums by way of composition for any stamp duty of a



class in respect of which a composition may be made under section one hundred and fifteen of the principal Act shall cease to have effect as from the first day of September nineteen hundred and twenty, without prejudice to the power of the Commissioners and those persons to make any fresh agreement.

**38. Stamp duty on marketable securities transferable by delivery, &c.]**—The stamp duties chargeable on any marketable securities transferable by delivery under paragraphs (1) (a) and (c), 3 and 4 of the heading "MARKETABLE SECURITY" in the First Schedule to the principal Act, and the stamp duty chargeable on marketable securities transferable by delivery, share warrants, stock certificates, and other instruments to bearer under sub-section (1) of section four and section five of the Finance Act, 1899 [62 & 63 Vict. c. 9], on stock certificates to bearer under section eight of the Colonial Stock Act, 1877 [40 & 41 Vict. c. 59], and on certain marketable securities under section thirteen of the Finance Act, 1911, shall respectively be double the duties which would have been chargeable on these instruments immediately before the passing of this Act.

**39. Stamp duty on statements as to capital of companies, &c.]**—(1) On and after the twentieth day of April, nineteen hundred and twenty, one pound shall be substituted for five shillings—

(a) as the *ad valorem* stamp duty imposed by sections one hundred and twelve and one hundred and thirteen of the principal Act, as extended by section twelve of the Finance Act, 1896 [59 & 60 Vict. c. 28], on statements as regards the capital of the companies referred to in those sections; and

(b) as the *ad valorem* stamp duty payable under or by virtue of any private Act on any statements as regards the capital of any company; and

(c) as the *ad valorem* stamp duty imposed by section eleven of the Limited Partnerships Act, 1907 [7 Ed. 7, c. 24], on statements with regard to the amounts contributed by limited partners to limited partnerships.

(2) In the case of a company registered or otherwise incorporated, or an increase of capital authorised, on or after the twentieth day of April, nineteen hundred and twenty, and before the passing of this Act, a supplementary statement of the nominal share capital of the company or of the amount of the increase so authorised, as the case may be, shall, within fifteen days after the commencement of this Act, be delivered to the Commissioners of Inland Revenue duly stamped with the additional duty of fifteen shillings for every one hundred pounds and any fraction of one hundred pounds over any multiple of one hundred pounds of the capital, or increase of capital, as the case may be.

If any supplementary statement required to be delivered under this sub-section is not duly delivered in accordance with the requirements thereof, the duty chargeable on the statement, together with interest thereon at the rate of five per centum per annum from the date of the commencement of this Act, shall be recoverable from the company as a debt due to His Majesty.

**40. Stamp duty on accident and indemnity policies.]**—(1) The stamp duty chargeable under the heading "POLICY OF INSURANCE AGAINST ACCIDENT AND POLICY of insurance for any payment agreed to be made during the sickness of any person or his incapacity from personal injury or by way of indemnity against loss or damage of or to any property" in the First Schedule to the principal Act shall be sixpence instead of one penny.

(2) The word "sixpence" shall be substituted for the words "one penny" in sections ninety-eight, ninety-nine, and one hundred and sixteen of the principal Act.

**41. Stamp duty on policies of sea insurance.]**—For the stamp duties chargeable under paragraph (2) of the heading "POLICY OF SEA INSURANCE" in the First Schedule to the principal Act there shall be substituted the duties at the following rates, that is to say:—

(a) For or upon any voyage—	s. d.
where the sum insured—	
does not exceed 250 <i>l.</i> ... ..	0 3
exceeds 250 <i>l.</i> but does not exceed 500 <i>l.</i> ... ..	0 6
" 500 <i>l.</i> " " 750 <i>l.</i> ... ..	0 9
" 750 <i>l.</i> " " 1,000 <i>l.</i> ... ..	1 0
" 1,000 <i>l.</i> for every 500 <i>l.</i> and any fractional part of 500 <i>l.</i> ... ..	0 6

(b) For time—  
where the insurance is made for any time not exceeding six months, an amount equal to three times the amount which would be payable if the insurance were made upon a voyage;  
where the insurance is made for any time exceeding six months and not exceeding twelve months, six times the amount which would be payable if the insurance were made upon a voyage.

**42. Reduction of duty in the case of certain transfers of stocks and marketable securities.]**—(1) Where stock is transferred on sale to a dealer or his nominee, and the transfer bears, in addition to the stamp denoting the duty, an impressed stamp (hereinafter referred to as "the supplementary stamp") denoting that it has been stamped under the provisions of this section, the maximum duty chargeable on the transfer shall, subject to the provisions of this section, be ten shillings:

Provided that a transfer shall not be stamped with the supplementary stamp unless it is proved to the satisfaction of the Commissioners of Inland Revenue that the transaction to which effect is to be given by the transfer was a transaction carried out by the dealer in the ordinary course of his business as such dealer.

(2) Where a transfer has been stamped with the supplementary stamp under this section the dealer to whom or to whose nominee the transfer was made shall—

(a) immediately on the expiration of two months from the date of the transfer, furnish to the Commissioners of Inland Revenue a certificate in such form as the Commissioners may prescribe, showing what part, if any, of the stock comprised in the transfer has been transferred by him to a bona fide purchaser, and what part, if any, of the stock has not been so transferred, and shall produce such further evidence, by way of statutory declaration or otherwise, in relation to the matters aforesaid as the Commissioners may require; and

(b) If any part of the stock has not, before the expiration of the said two months, been so transferred as aforesaid, pay to the Commissioners within fourteen days after the expiration of that period a sum equal to the difference between the amount of the duty actually charged on the transfer and the amount of the *ad valorem* duty which would have been chargeable thereon if the stock comprised therein had been the stock which was not so transferred as aforesaid.

If any person fails to pay duly any sum which he is liable to pay under the provisions of this sub-section, that sum, together with interest thereon at the rate of ten per cent. per annum from the date of the transfer, shall be recoverable from him as a debt due to His Majesty, and if any person fails to comply with any of the other provisions of this sub-section a sum equal to the difference between the amount of the stamp duty actually charged on the transfer and the amount which would but for this section have been chargeable thereon, together with interest on that sum at the rate of ten per cent. per annum from the date of the transfer, shall be recoverable from him as a debt due to His Majesty.

(3) For the purposes of this section—

The expression "dealer" means a person who, being a member of a stock exchange in the United Kingdom, does not deal by way of business otherwise than with or through other members of that stock exchange or otherwise than as a principal, and does not carry on the business of a broker or agent;

The expression "stock" includes marketable security.

**43. Interpretation and commencement.]**—(1) In this Part of this Act the expression "principal Act" means the Stamp Act, 1891 [54 & 55 Vict. c. 39], and references to the principal Act or to any provision of the principal Act shall include references to that Act or to that provision as amended and extended by any subsequent enactment.

(2) This Part of this Act shall, save as therein otherwise expressly provided, come into operation on the first day of September nineteen hundred and twenty.

#### PART IV.

##### EXCESS PROFITS DUTY.

**44. Continuance and increase of rate of excess profits duty.]**—(1) The Finance (No. 2) Act, 1915 [5 & 6 Geo. 5, c. 89] (in this Part of this Act referred to as "the principal Act"), shall, so far as it relates to excess profits duty, apply, unless Parliament otherwise determines, to any accounting period ending on or after the fifth day of August nineteen hundred and twenty, and before the fifth day of August nineteen hundred and twenty-one, as it applies to accounting periods ended after the fourth day of August nineteen hundred and fourteen, and before the fifth day of August nineteen hundred and twenty.

(2) Section thirty-eight of the principal Act shall, as respects excess profits arising in any accounting period commencing on or after the first day of January nineteen hundred and twenty, have effect as if sixty per cent. of the excess were substituted as the rate of duty for forty per cent. of the excess, or, in the case of an accounting period which commenced before that date but ends after that date, as if sixty per cent. were substituted for forty per cent. as respects so much of the excess as may be apportioned under this Part of this Act to the part commencing on that date.

In calculating any repayment or set off under sub-section (3) of section thirty-eight of the principal Act any amount to be repaid or set off on account of a deficiency or loss arising in any accounting period commencing on or after the first day of January nineteen hundred and twenty, or, in the case of an accounting period which has commenced before that date but ends after that date, on account of so much of the deficiency or loss as may be apportioned under this Part of this Act to the part commencing on that date, shall be calculated by reference to duty at the rate of sixty per cent.

Any additional duty payable by virtue of this section in respect of a past accounting period may be assessed and recovered notwithstanding that duty has already been assessed in respect of that period.

(3) In the case of a trade or business which is owned or carried on by any person who has served during the war as a member of any of the naval or military forces of the Crown, or of the Air Force or in service of a naval or military character in connection with the war for which payment was made out of money provided by Parliament, or in any work abroad of the British Red Cross Society or the Order of St. John of Jerusalem or any other body with similar objects, and which was commenced by that person for the first time, or having been wholly discontinued by him during the war or some part of the war was recommenced by him, after his demobilisation or discharge, sub-section (1) of section thirty-eight of the principal Act shall have effect as though "five hundred pounds" were substituted for "two hundred pounds."



**45. Amendments as respects pre-war standard in accounting periods ending after 31st December, 1919.**—In the application of Part III. of the principal Act to excess profits duty for any accounting period ending after the thirty-first day of December, nineteen hundred and nineteen, the following provisions shall have effect:—

(1) For the pre-war standard of profit there shall, on the application of the taxpayer, be substituted a standard (in this section referred to as "the substituted standard") of an amount equal in the case of a trade or business which had no pre-war trade year to the statutory percentage on the average amount of capital employed in the first accounting period, and in the case of any other trade or business to the percentage standard with the addition in either case of a sum of five hundred pounds in respect of each working proprietor in the trade or business:

Provided that—

(a) the amount of the substituted standard shall not, as respects any trade or business, exceed the sum of seven hundred and fifty pounds in respect of each working proprietor in the trade or business; and

(b) in computing the profits of a trade or business in any accounting period as respects which the substituted standard is in force, no deduction shall be allowed in respect of the remuneration of any working proprietor; and

(c) where the accounting period is less than a year the substituted standard shall be proportionately reduced; and

(d) where a substituted standard has been adopted in the case of any trade or business for any accounting period the provisions of paragraph (4) of section twenty-six of the Finance Act, 1917 [7 & 8 Geo. 5, c. 31], as amended by this Part of this Act, shall not have effect as regards that trade or business in respect of that accounting period.

(e) Nothing in this paragraph shall affect the operation of any agreements made between the Food Controller and the owners of controlled flour mills which provide for determining the amount of any payment to be made or received under such agreements by reference to the pre-war standard of profits, and any such agreements shall have effect as if this Act had not passed.

In this paragraph—

The expression "trade or business" means any trade or business carried on either by an individual or by persons in partnership or by a private company within the meaning of the Companies (Consolidation) Act, 1906 [8 Ed. 7, c. 69];

The expression "proprietor" means, as the case may be, the individual carrying on the business, any partner in the partnership, or any director of the company owning not less than twenty per cent. of the share capital or stock of the company;

The expression "working proprietor" means a proprietor who has, during not less than one half the accounting period, worked full time in the actual management or conduct of the trade or business, but no person shall be deemed to be a working proprietor in the same accounting period in respect of more than one trade or business;

Where any person who served during the war as a member of any of the naval or military forces of the Crown or of the Air Force or in service of a naval or military character in connection with the war, for which payment was made out of moneys provided by Parliament, or in any work abroad of the British Red Cross Society or the Order of St. John of Jerusalem or any other body with similar objects, and was before entering on such service working full time in the actual management or conduct of a trade or business, has died and the trade or business is being carried on for the benefit of his widow, the same standard shall be allowed for the trade or business as would have been allowed under the foregoing provisions of this section if the deceased person had been a working proprietor during the accounting period.

(2) Any trade or business carried on or owned by a company or other body corporate whose directors have a controlling interest shall, for the purpose of the provisions of the principal Act relating to the statutory percentage as amended by any other enactment, be treated as if it were a trade or business carried on or owned by a body other than a body corporate:

In this paragraph the expression "director" includes any person engaged in the management of the trade or business whose remuneration is provided out of the funds of the trade or business.

(3) In paragraph (4) of Part II. of the Fourth Schedule to the principal Act the words "during the first accounting period" shall be substituted for the words "during the accounting period."

**46. Amendment of ss. (3) of s. 38 of 5 & 6 Geo. 5, c. 39, with respect to munitions exchequer payments.**—For the purposes of any claim to repayment or set-off under sub-section (3) of section thirty-eight of the principal Act (which provides for the repayment of excess profits duty paid and for a set-off against excess profits duty payable), any sum paid by the claimant by way of munitions exchequer payments shall be treated as though it were a sum paid by way of excess profits duty.

**47. Amendments of s. 26 of 7 & 8 Geo. 5, c. 31, as respects accounting periods ending after 31st December, 1919.**—In the application of Part III. of the principal Act to excess profits duty for any accounting

period ending after the thirty-first day of December, nineteen hundred and nineteen, section twenty-six of the Finance Act, 1917, shall have effect as though in paragraph (1) "five per cent." were substituted for "three per cent.," and as though in paragraph (4) for the words "five hundred pounds" and "two thousand pounds," respectively, wherever those words occur, there were substituted the words "two thousand pounds" and "four thousand pounds," respectively.

**48. Allowance in respect of charitable contributions.**—Where, out of the profits of a trade or business, any contribution has been made after the sixteenth day of July, nineteen hundred and twenty, to any trust, society, or body of persons in the United Kingdom established solely for the purpose of the relief of the poor or the sick, or for the advancement of religion, education, or for scientific research, there shall, for the purposes of excess profits duty, be allowed, in the computation of the profits of the trade or business arising in the accounting period within which such contribution was made, a deduction in respect of such contribution of an amount not exceeding five per cent. of those profits as calculated for the purposes of excess profits duty (before adjustment for increased or decreased capital and before making any deduction under this section), and not exceeding twenty per cent. of the amount of such contribution.

This section shall not apply to any contribution which, apart from the provisions of this section, would be admissible as a deduction from profits for the purposes of excess profits duty.

**49. Increase of rate of excess mineral rights duty.**—(1) Section forty-three of the principal Act (which relates to excess mineral rights duty) shall have effect as if sixty per cent. of the excess were substituted as the rate of duty for forty per cent. for any accounting year commencing on or after the first day of January nineteen hundred and twenty, or, in the case of an accounting year which commenced before that date but ends after that date, as if sixty per cent. were substituted for forty per cent. as respects so much of the excess as may be apportioned under this Act to the part commencing on that date, and any additional duty may be recovered accordingly.

(2) The proviso to section twenty-one of the Finance Act, 1917, shall apply to any accounting year in respect of which or any part of which excess mineral rights duty is payable under this Part of this Act at the rate of sixty per cent., as it applies where the said duty is payable at the rate of eighty per cent.

**50. Apportionment of accounting periods and years.**—Where part of an accounting period or of an accounting year is after, and part before, the beginning of the first day of January nineteen hundred and twenty, the total excess profits and any deficiencies or losses arising in any such accounting period, and the total excess rent for any such accounting year, shall be apportioned between the time up to, and the time after, that date in proportion to the number of months or fractions of months before and after that date respectively.

**51. Interpretation.**—In this Part of this Act references to the principal Act, or to any provisions of that Act, shall be construed as references to that Act, or those provisions as amended and extended by any subsequent enactment.

## PART V.

### CORPORATION PROFITS TAX.

**52. Charge of corporation profits tax.**—(1) Subject as provided in this Act, there shall be charged, levied, and paid on all profits being profits to which this Part of this Act applies and which arise in an accounting period ending after the thirty-first day of December, nineteen hundred and nineteen, a duty (in this Act referred to as "corporation profits tax") of an amount equal to five per cent. of those profits:

Provided that—

(a) where the profits are profits arising in an accounting period of twelve months, no tax shall be charged on the first five hundred pounds thereof, and where the profits are profits arising in some shorter accounting period, no tax shall be charged on such amount of the profits as bears to five hundred pounds the same proportion as the shorter accounting period bears to twelve months; and

(b) the amount of tax payable in respect of the profits of a British company for any accounting period shall in no case exceed the amount represented by ten per cent. of the balance of the profits of that period estimated in accordance with the provisions of this Part of this Act, after deducting from the amount of those profits any interest or dividends actually paid out of those profits at a fixed rate on any debentures, debenture stock, preference shares (so far as the dividend paid thereon is at a fixed rate), or permanent loan issued before the commencement of this Act, or on any debentures, debenture stock, or permanent loan issued after that date for the purpose of replacing an equal amount of any debentures, debenture stock, or permanent loan issued before that date.

(2) The profits to which this Part of this Act applies are, subject as hereinafter provided, the following, that is to say:—

(a) the profits of a British company carrying on any trade or business, or any undertaking of a similar character, including the holding of investments:

(b) the profits of a foreign company carrying on in the United Kingdom any trade or business, or any undertaking of a similar character, so far as those profits arise in the United Kingdom:

Provided that this Part of this Act shall not, during the period between the first day of January, nineteen hundred and twenty, and

the thirty-first day of December, nineteen hundred and twenty-two, apply to the profits of—

- (i) a company which carries on wholly in the United Kingdom any gas, water, electricity, tramway, hydraulic power, dock, canal, or railway undertaking, and which by, or by virtue of, any Act is precluded either from charging any higher price, or from distributing any higher rate of dividend than that authorised by, or by virtue of, the Act; or
- (ii) any company being a building society.

(3) In this Part of this Act—

The expression "company" means any body corporate so constituted that the liability of its members is limited, but does not include a company formed before the commencement of this Act whose assets consist wholly of stock or other securities issued by any public authority and formerly held by the persons by whom the company was formed:

The expression "British company" means any company incorporated by or under the laws of the United Kingdom:

The expression "foreign company" means any company which is not a British company:

The expression "permanent loan" means a loan of a permanent character which is secured by mortgage or debentures or otherwise on the assets or income of a company and which, if subject to repayment, is subject to repayment at not less than three months' notice.

**53. Determination of profits.**—(1) For the purpose of this Part of this Act, profits shall be taken to be the actual profits arising in the accounting period, and shall not be computed by reference to the income tax year or on the average of any years.

(2) Subject to the provisions of this Act, profits shall be the profits and gains determined on the same principles as those on which the profits and gains of a trade would be determined for the purposes of Schedule D, set out in the First Schedule to the Income Tax Act, 1918, as amended by any subsequent enactment, whether the profits are assessable to income tax under that schedule or not:

Provided that, for the purpose of this Part of this Act,—

(a) profits shall include all profits and gains arising from any lands, tenements, or hereditaments forming part of the assets of a company, and all interest, dividends, and other income arising from investments or any other source and received in the accounting period, not being interest, dividends, or income received directly or indirectly from a company liable to be assessed to corporation profits tax in respect thereof, and no deduction shall be allowed on account of the annual value of any premises used for the purposes of the company:

(b) deductions shall be allowed in respect of interest on money borrowed for the purposes of the company, and of rent or royalties or share of profits distributed to employees under a profit-sharing scheme, and of any other payment income tax on which is collected at the source, not being payments of dividends or payments for the distribution of profits, so, however, that no deduction shall be allowed in respect of royalties paid to or interest on money borrowed from, a person having a controlling interest in the company, whether directly or indirectly, or whether solely or jointly with other persons, or in respect of interest paid on permanent loans:

(c) Any deduction allowed in respect of the remuneration of any director, manager or other person concerned in the management of a company, who has a controlling interest in the company, whether directly or indirectly, and whether solely or jointly with any other persons, shall not exceed an amount calculated at the rate of one thousand pounds per annum:

(d) no deduction shall be allowed in respect of any transaction or operation of any nature, which has artificially reduced the amount to be taken as the amount of the profits of the company for the purposes of this Part of this Act:

(e) no deduction on account of wear and tear or renewals or obsolescence or any expenditure of a capital nature for the development of the company or otherwise in respect thereof shall be allowed other than such as may be allowed under the enactments relating to income tax or excess profits duty, whichever be the greater:

(f) no deduction shall be allowed on account of the liability to pay, or the payment of, income tax or corporation profits tax:

(g) a deduction shall be allowed on account of any excess profits duty, any mineral rights duty and excess mineral rights duty payable or paid in the United Kingdom, and for any sum payable or paid on account of excess profits duty or similar duty imposed in any country outside the United Kingdom for the same accounting period, but in computing profits for the purposes of excess profits duty in the United Kingdom no deduction shall be allowed on account of the liability to pay or the payment of tax under this Part of this Act:

(A) profits shall include in the case of mutual trading concerns the surplus arising from transactions with members, and in the case of a society registered under the Industrial and Provident Societies Act, 1893 (56 & 57 Vict. c. 39), any sums paid by way of bonus, discount or dividend on purchases, shall be treated as trade expenses, and a deduction shall accordingly be allowed in respect thereof:

(i) in the case of a company carrying on the business of life

assurance the part of the profits belonging or allocated to, reserved for or expended on behalf of policy holders or annuitants shall be apportioned between the profits of the company directly liable to assessment to corporation profits tax and the profits not so liable, and a deduction shall be allowed of the amount so apportioned to the profits so liable:

Where a company carries on life assurance business in conjunction with assurance business of any other class the life assurance business of the company shall, for the purposes of apportionment under this paragraph but for no other purpose, be treated as if it were a separate business carried on by a separate company:

(j) any sum received by way of repayment of excess profits duty in respect of a previous accounting period under subsection (3) of section thirty-eight of the Finance (No. 2) Act, 1915, and subsequent amendments thereof shall be excluded from the profits taxable:

(k) In the case of any contract extending beyond one accounting period from the date of its commencement to the completion thereof, and only partially performed in any accounting period, there shall (unless the Commissioners of Inland Revenue owing to any special circumstances otherwise direct) be attributed to each of the accounting periods in which such contract was partially performed such proportion of the entire profits or loss, or estimated profits or loss, in respect of the complete performance of the contract as shall be properly attributable to such accounting periods respectively, having regard to the extent to which the contract was performed in such periods.

(3) Where a company (hereinafter referred to as "the principal company") holds either in its own name or in that of a nominee the whole of the ordinary capital of any other company (hereinafter referred to as "the subsidiary company") or so much of that capital as under the general law can lawfully be held by a single shareholder, the profits of the subsidiary company shall, if an application in that behalf is made by the principal company, be treated for the purposes of this Part of this Act as being the profits of the principal company as if the subsidiary company were a branch of the principal company, and the subsidiary company shall not be separately assessed to tax under this Part of this Act:

Provided that in ascertaining, under paragraph (b) of subsection (1) of the last preceding section, the maximum amount of tax payable by the principal company, no deduction shall be allowed in respect of any payments made by the subsidiary company to the principal company, or any other company which in relation to the principal company is a subsidiary company within the meaning of this subsection.

**54. Determination of accounting period.**—(1) For the purposes of the tax under this Part of this Act, the accounting period shall be a period of twelve months ending on the date up to which the accounts of the company are usually made up:

Provided that, where the accounts of a company have been made up for a period greater or less than twelve months, or where the accounts have not been made up or where the company has ceased to carry on business or has transferred its business or part of its business to some other person, the accounting period shall be such period not exceeding twelve months as the Commissioners of Inland Revenue may determine.

(2) In the case of a company which was in existence before the beginning of the first day of January, nineteen hundred and twenty, the first accounting period for the purpose of this Part of this Act shall be the first accounting period of the company which ends after that date:

Provided that, where part of an accounting period is after and part before the beginning of the first day of January, nineteen hundred and twenty, the total profits of the accounting period shall be apportioned between the period up to and the period beginning on that date in proportion to the respective lengths of those periods, and corporation profits tax shall be charged only on so much of the profits as are apportioned to the period beginning on that date, and that period shall be deemed to be an accounting period for the purpose of this Part of this Act.

(3) The Commissioners of Inland Revenue may, if they think fit, divide any periods for which accounts have been made up, and may make such apportionments or aggregations of profits and losses as may be necessary for the purpose of estimating the profits or losses for the yearly accounting period, or for any other purpose of this Part of this Act.

Any apportionment under this subsection shall be made in proportion to the number of months or fractions of months in the respective periods representing the divided periods.

**55. Returns for purpose of Part V. and penalty for fictitious transactions.**—(1) The Commissioners of Inland Revenue may, for the purposes of this Part of this Act, require the secretary of a company or other officer (by whatever name called) performing the duties of secretary of the company, or, in the case of a foreign company, any person being an agent, manager, factor, or representative (by whatever name called) of the company, to furnish them within two months after the requirement for the return is made with returns of the profits of the company during any accounting period and such other particulars in connection therewith as the Commissioners may require.

(2) Where the profits of any company are chargeable to corporation profits tax under this Part of this Act, it shall be the duty of every



person who may be required to make a return under this section to give notice that the profits are so chargeable to the Commissioners of Inland Revenue within six months of the end of the period for which the accounts of the company are made up, unless he has been previously required by the Commissioners to make a return under this section, and it shall be the duty of the liquidator of every company which is being wound up at the time of the commencement of this Act or is wound up after the commencement of this Act, and is chargeable to corporation profits tax, to give notice of the fact to the Commissioners of Inland Revenue.

(3) If any person fails to furnish a proper return in accordance with the foregoing provisions of this section or to comply with any requirement of the Commissioners under this section, or to give any notice required by this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds and to a further fine not exceeding ten pounds a day for every day during which the offence continues after conviction therefor.

(4) A company shall not, for the purpose of avoiding the payment of corporation profits tax, enter into or carry out any fictitious or artificial transaction.

If any company acts in contravention of this provision, the company, and in the case of a foreign company the agent, manager, factor, or other representative of the company, shall be liable on summary conviction to a fine not exceeding five hundred pounds.

**56. Supplementary provisions as to corporation profits tax.**—(1) Corporation profits tax shall be assessed by the Commissioners of Inland Revenue and shall be payable on the expiration of two months from the date on which it is assessed.

(2) Where a company on whose profits the tax is to be assessed is a British company, the tax shall be assessed on the company, and where the company on whose profits the tax is to be assessed is a foreign company the tax shall be assessed on the company in the name of any agent, manager, factor or other representative of the company.

(3) Where a company is in the course of being wound up, the liquidator, receiver or other person having the control of the assets of the company shall not distribute the same until provision has been made to the satisfaction of the Commissioners of Inland Revenue for the payment of any corporation profits tax for which the company may be liable.

Any liquidator, receiver or such other person as aforesaid who distributes the assets of the company without making such provision as aforesaid shall be liable to a fine not exceeding three times the amount of any corporation profits tax which may be payable.

(4) An assessment (including an additional assessment) may be made by the Commissioners of Inland Revenue at any time within three years after the end of the accounting period in respect of the profits of which the assessment is made, and in the absence of a satisfactory return or other information on which to make an assessment the Commissioners may make an assessment according to the best of their judgment.

(5) The amount of corporation profits tax payable shall be recoverable as a debt due to His Majesty from the company on which it is assessed, or in the case of a foreign company from the person in whose name the company is chargeable, and where the amount of tax payable is less than fifty pounds the tax shall, without prejudice to any other remedy, be recoverable summarily as a civil debt.

(6) Any company which is dissatisfied with the amount of any assessment made upon it by the Commissioners of Inland Revenue under this Part of this Act may appeal to the Commissioners for the general purposes of income tax acting for the division in which the company is assessed for income tax or to the Commissioners for the special purposes of the Income Tax Acts, and those Commissioners shall have power on any appeal, if they think fit, to summon witnesses and examine them upon oath.

The power under section one hundred and ninety-six of the Income Tax Act, 1918, to require an appeal in Ireland to the Special Commissioners to be reheard by the county court judge, or chairman of quarter sessions, or recorder, shall apply to an appeal in Ireland under this provision.

Section one hundred and forty-nine of the Income Tax Act, 1918 (which relates to the statement of a case on a point of law), shall apply with the necessary modifications in the case of any appeal to the General or Special Commissioners under this section, or of the rehearing of any such appeal in Ireland, as it applies in the case of appeals to the General or Special Commissioners under the Income Tax Acts.

(7) The Commissioners of Inland Revenue may make regulations with respect to the assessment and collection of the corporation profits tax and the hearing of appeals under this section, and may by those regulations apply and adapt any enactments relating to the assessment and collection of income tax, or the hearing of appeals as to income tax by the General or Special Commissioners, which do not otherwise apply.

(8) All Commissioners and other persons employed for any purpose in connection with the assessment or collection of corporation profits tax shall be subject to the same obligations as to secrecy with respect to corporation profits tax as those persons are subject to with respect to income tax, and any oath taken by any such person as to secrecy with respect to income tax shall be deemed to extend also to secrecy with respect to corporation profits tax.

## PART VI.

## LAND VALUES DUTIES.

**57. Repeal of land values duties.**—(1) As from the commencement of this Act the land values duties shall cease to be chargeable, and the obligation of the Commissioners of Inland Revenue under section twenty-six of the Finance (1909-10) Act, 1910 (10 Edw. c. 8), to cause a valuation to be made of all land in the United Kingdom shall cease.

(2) Any land value duty which has been assessed at the date of the commencement of this Act but which is unpaid at that date shall not be collected, and no assessment shall be made in respect of any land value duty which became chargeable before that date.

(3) Where any person shows to the satisfaction of the Commissioners of Inland Revenue that he or any person of whom he is, in the opinion of the Commissioners, the legal representative has at any time paid any sum on account of any land value duty, he shall, on making an application in that behalf to the Commissioners at any time within six months after the date of the commencement of this Act and in such form as may be prescribed by the Commissioners, be entitled to repayment of the sum so paid.

(4) Where an immediate lessor has paid or borne any annual increment value duty and has made a deduction in respect of that duty from the rent payable by him to his lessor, he shall, on obtaining a repayment under this section of that duty, refund to the lessor or the representative of the lessor a sum equal to the amount so deducted.

(5) In this section the expression "land values duties" means the increment value duty (including annual increment value duty), reversionary duty, and undeveloped land duty imposed by Part I. of the Finance (1909-10) Act, 1910, but does not include mineral rights duty.

## PART VII.

## GENERAL.

**58. Reduction of debt.**—(1) Any amount applied out of revenue during the current financial year in purchasing, redeeming, or paying off any description of debt shall be deemed to be expenditure within the meaning of sections four and five of the Sinking Fund Act, 1875 (38 & 39 Vict. c. 45).

(2) Any sums issued out of the Consolidated Fund for the purpose of the depreciation fund under section thirty-two of the Finance Act, 1917, and any sums so issued to the Commissioners of Inland Revenue in respect of any securities transferred to those Commissioners by way of payment for Death Duties or Excess Profits Duty, and any sums so issued to the National Debt Commissioners for the purpose of the purchase by those Commissioners of four pounds per cent. Victory Bonds or four pounds per cent. Funding Loan, 1960-90, shall, for the purposes of this section, be deemed to be sums applied in purchasing, redeeming, or paying off debt.

**59. Power to borrow on national savings certificates for purposes of investment in local loans, stock, and redemption of loans.**—(1) The Treasury may, at any time after the thirtieth day of September, nineteen hundred and twenty, borrow in accordance with the provisions of this section such sums as they think proper to raise for the purpose of being invested or applied in manner provided by this section.

(2) Any sums which may be raised under this section shall be raised by the issue through the Post Office of national savings certificates, and any certificates so issued shall bear such rate of interest and shall be subject to such conditions as to repayment or otherwise as the Treasury think fit.

(3) The principal of and interest on any national savings certificates issued under this section and any expenses incurred in connection with the issue thereof shall be charged on the Consolidated Fund of the United Kingdom or the growing produce thereof.

(4) The Treasury shall, from time to time as they think fit, issue out of the Consolidated Fund or the growing produce thereof to the National Debt Commissioners sums equal to one-half of the moneys raised under this section, and any sums so issued to the National Debt Commissioners shall as soon as practicable be invested by those Commissioners in local loans, stock or in bonds secured on the Local Loans Fund and may, pending such investment, be invested temporarily in such manner, subject to the approval of the Treasury, as the Commissioners think proper.

(5) All sums received by the National Debt Commissioners by way of interest on investments made by them under this section shall be paid into the Exchequer.

(6) The Treasury shall, from time to time as they think fit, issue out of the Consolidated Fund or the growing produce thereof and apply in the purchase, redemption, or paying off of any description of debt sums equal to one-half of the moneys raised under this section together with the sums paid into the Exchequer by the National Debt Commissioners under this section.

(7) The powers conferred on the Treasury by this section shall be in addition to and not in derogation of any other power to borrow for the time being exercisable by the Treasury.

**60. Amendment of s. 1 of 9 & 10 Geo. 5, c. 6.**—Paragraph (c) of the proviso to subsection (1) of section one of the Civil Contingencies Fund Act, 1919, which requires sums issued under that Act to be repaid to the Exchequer not later than the thirtieth day of September



nineteen hundred and twenty, shall have effect as though the thirtieth day of September nineteen hundred and twenty-one were therein substituted for the thirtieth day of September nineteen hundred and twenty.

61. *Provision for cases where assessments, returns, &c., have been lost, destroyed, or damaged.*—(1) Where any assessment to income tax, excess profits duty, or munitions exchequer payments for any year or period, or any duplicate of assessment to income tax for any year, or any return or other document relating to income tax, excess profits duty, or munitions exchequer payments, has been lost or destroyed, or has been so defaced or damaged as to be illegible or otherwise useless, the commissioners, surveyors, assessors, collectors, and other officers respectively having powers in relation to income tax, excess profits duty, or munitions exchequer payments, as the case may be, may, notwithstanding anything in any enactment to the contrary, do all such acts and things as they might have done, and all acts and things done under or in pursuance of this section shall be as valid and effectual for all purposes as they would have been if the assessment or duplicate of assessment had not been made, or the return or other document had not been made or furnished, or required to be made or furnished:

Provided that, where any person who is charged with income tax, excess profits duty, or munitions exchequer payments in consequence of or by virtue of any act or thing done under or in pursuance of this section, proves to the satisfaction of the commissioners having jurisdiction in the case that he has already paid any income tax, excess profits duty, or munitions exchequer payments for the same year or period in respect of the subject matter and on the account in respect of and on which he is so charged, relief shall be given to the extent to which the liability of that person has been discharged by the payment so made either by abatement from the charge or by repayment, as the case may require.

(2) In this section the expression "Commissioners" means, as the case may require, either the Commissioners of Inland Revenue or the Income Tax Commissioners concerned and the expression "income tax" includes "super-tax."

62. *Charge for road improvement grant.*—Section forty-nine of the Finance (No. 2) Act, 1915 (5 & 6 Geo. 5, c. 89) (which provides for the suspension of the road improvement grant), shall cease to operate as regards the net proceeds of any duties on motor spirit and any duties on licences for carriages collected on or after the first day of April, nineteen hundred and twenty, and the charge on the Consolidated Fund under section ninety of the Finance Act (1909-10) Act, 1910, for the road improvement grant shall come into operation again accordingly.

63. *Amendment of s. 12 of 61 & 62 Vict. c. 10.*—(1) Section twelve of the Finance Act, 1898, as amended by section twenty-one of the Finance (No. 2) Act, 1915 (which grants an exemption or abatement from land tax in certain cases), shall have effect as though for the words "such owner has been allowed in that year relief from income tax by reason of his income not exceeding one hundred and sixty pounds" there were substituted the words "the total income of the owner for that year is proved not to exceed one hundred and sixty pounds," and as if for the words "such owner has been allowed in that year an abatement of income tax by reason of his income not exceeding four hundred pounds," there were substituted the words "the total income of the owner for that year is proved not to exceed four hundred pounds."

(2) In this section the expression "total income" means the total income as estimated in accordance with the provisions of the Income Tax Acts, and the expression "proved" means proved in manner provided by section twenty-eight of the Income Tax Act, 1918.

64. *Construction, short title, and repeal.*—(1) Part I. of this Act, so far as it relates to duties of customs, shall be construed together with the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 46), and any enactments amending that Act, and so far as it relates to duties of excise shall be construed together with the Acts which relate to the duties of excise and the management of those duties.

Part II. of this Act shall be construed together with the Income Tax Acts.

Part III. of this Act shall be construed together with the Stamp Act, 1891.

Part IV. of this Act shall be construed together with Part III. of the Finance (No. 2) Act, 1915.

(2) This Act may be cited as the Finance Act, 1920.

(3) The Acts set out in the Fourth Schedule of this Act are hereby repealed to the extent mentioned in the third column of that schedule.

## SCHEDULES.

### FIRST SCHEDULE.

#### [Section 3.]

#### PART I.

[Ordinary Customs Duties on Spirits.]

#### PART II.

[Additional Customs Duties in respect of Immature Spirits.]

## PART III.

[Additional Excise Duties in respect of Immature Spirits.]

### SECOND SCHEDULE.

#### [Section 13.]

[Duties on Mechanically Propelled Vehicles.]

Description of Vehicle.	Rate of Duty.
1. Cycles (including motor scooters and cycles with an attachment for propelling the same by mechanical power) not exceeding 8 cwt. in weight unladen:—	
Bicycles—	
Not exceeding 200 lbs. in weight unladen	£1 10s.
Exceeding 200 lbs. in weight unladen	£3
Bicycles, if used for drawing a trailer or side-car, an additional sum of £1.	
Tricycles	£4
2. Vehicles (including cycles with an attachment for propelling the same by mechanical power) not exceeding 5 cwt. in weight unladen adapted and used for invalids	— 5s.
3. Vehicles being hackney carriages as defined in section four of the Customs and Inland Revenue Act, 1888:—	

	In the Metropolitan Police area and such other districts as the Minister of Transport may fix.	In all other districts.
Tramcars	15s.	15s.
Other vehicles:—		
Seating not more than 6 persons	£15	£12
Seating more than 6 but not more than 14 persons	£30	£24
Seating more than 14 but not more than 20 persons	£45	£36
Seating more than 20 but not more than 26 persons	£60	£48
Seating more than 26 but not more than 32 persons	£72	£60
Seating more than 32 persons	£84	£70
In this paragraph the number of persons mentioned does not include the driver of the vehicle.		
4. Vehicles of the following descriptions used solely in the course of trade, or in agriculture (that is to say):—		
Locomotive ploughing engines, tractors, agricultural tractors, and other agricultural engines, not being engines or tractors used for hauling on roads any objects except their own necessary gear, threshing appliances, farming implements, or supplies of fuel or water required for the purposes of the vehicle or for agricultural purposes		5s.
Road locomotives and agricultural engines, other than such engines in respect of which a duty of 5s. is chargeable or which are used for haulage solely in connection with agriculture—		
Not exceeding 8 tons in weight unladen		£25
Exceeding 8 tons but not exceeding 12 tons in weight unladen		£30
Exceeding 12 tons in weight unladen		£30
Tractors, agricultural tractors, and agricultural engines, other than such tractors or engines in respect of which a duty of 5s. is chargeable, used for haulage solely in connection with agriculture—		
Not exceeding 5 tons in weight unladen		£6
Exceeding 5 tons in weight unladen		£10
Tractors of any other description		£21
5. Vehicles (including tricycles weighing more than 8 cwt. unladen) constructed or adapted for use and used solely for the conveyance of goods in the course of trade—		
Being vehicles which are electrically propelled and which do not exceed 25 cwt. in weight unladen		£6
Being vehicles other than such electrically propelled vehicles as aforesaid—		
Not exceeding 12 cwt. in weight unladen		£10
Exceeding 12 cwt. but not exceeding 1 ton in weight unladen		£16
Exceeding 1 ton but not exceeding 2 tons in weight unladen		£21
Exceeding 2 tons but not exceeding 3 tons in weight unladen		£25
Exceeding 3 tons but not exceeding 4 tons in weight unladen		£28
Exceeding 4 tons in weight unladen		£30
With an additional duty, in any case if used for drawing a trailer, of		£2
6. Any vehicles other than those charged with duty under the foregoing provisions of this schedule:—		
Not exceeding 6 horse power or electrically propelled		£6
Exceeding 6 horse power		£1 for each unit or part of a unit of horse power.

If any person proves to the satisfaction of the authority charged with levying the duty that he has paid in respect of any vehicle the duty chargeable under this paragraph, and that the engine of the vehicle was constructed before the first day of January, nineteen hundred and thirteen, he shall be entitled to repayment of twenty-five per cent. of the duty paid.

## THIRD SCHEDULE.

[Section 32.]

[Consequential and Minor Amendments of Income Tax Act, 1918.]

Enactments to be amended.	Nature of Amendment.
Section 4 ...	The words "two thousand pounds" shall be substituted for the words "two thousand five hundred pounds."
Section 5 ...	For the words "estimated for the purpose of exemption or abatement under this Act" there shall be substituted the words "required to be estimated in a return made in connection with any claim for a deduction for assessable income."
Section 16 ...	A reference to any allowance or deduction shall be substituted for the reference to any exemption, abatement or relief under the preceding provisions of Part III. of the Income Tax Act, 1918.
Section 17 ...	The words "allowance or deduction" shall be substituted for the words "exemption, abatement."
Section 18 ...	The words "the Income Tax Acts" shall be substituted for the words "any exemption, abatement or relief under this Act."
Section 19 ...	A reference to any claim for an allowance or deduction shall be substituted for the reference to the claim under the preceding provisions of Part III. of the Income Tax Act, 1918.
Section 20 ...	A reference to any allowance or deduction shall be substituted for the reference to any exemption, abatement or relief under the preceding provisions of Part III. of the Income Act, 1918.
Section 22 ...	A reference to any allowance or deduction shall be substituted for the references to any exemption, abatement or relief which is dependent wholly or partially on total annual income.
Section 23 ...	The words "allowance or deduction" shall be substituted for the words "exemption, abatement or relief."
Section 27 ...	A reference to any allowance or deduction shall be substituted for the reference to any exemption, abatement or relief under the preceding provisions of Part III. of the Income Tax Act, 1918.
Section 28 ...	A reference to claims for any allowance or deduction shall be substituted for the reference to claims under the preceding provisions of Part III. of the Income Tax Act, 1918.
Section 29 ...	The words "allowance or deduction" shall be substituted for "exemption, abatement."
Section 30 ...	A reference to any allowance or deduction shall be substituted for the reference to any exemption, abatement or relief hereinbefore described in the Income Tax Act, 1918.
Section 32 ...	In subsection (2) the word "annual" shall be omitted. In paragraph (a) of subsection (3) the word "chargeable" shall be omitted, and the words "the provisions of the Income Tax Acts" shall be substituted for the words "this Act." Paragraph (b) of subsection (3) shall be omitted. Subsection (4) shall be omitted.
Section 36 ...	The following shall be substituted for proviso (i) to paragraph (b) of subsection (3). "Any such interest shall be chargeable under Case III. of Schedule D."
Section 105 ...	In paragraph (b) of subsection (1) the words "one hundred and fifty pounds" shall be substituted for the words "the sum for the time being fixed as the limit for total exemption from tax."
Section 236 ...	The words "allowance or deduction" shall be substituted for the words "exemption, abatement."
First Schedule ...	In paragraph (5) of Rule 8 of No. V. in Schedule A. the words "the Income Tax Acts which relate to claims for any allowance or deduction" shall be substituted for the words "this Act which relates to claim for exemption, abatement or relief."
Fifth Schedule ...	In paragraph XVII. a reference to any allowance or deduction shall be substituted for the reference to any exemption, abatement or relief, dependent on total income.

NOTE.—In this Schedule the expression "allowance or deduction" means any allowance, deduction or reduction of rate made or allowed under sections sixteen to twenty-three, both inclusive, of this Act.

## FOURTH SCHEDULE.

[Section 64.]

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
59 & 60 Vict. c. 36.	The Locomotives on Highways Act, 1896.	Section eight, as from the 1st day of January, 1921.
62 & 63 Vict. c. 9.	The Finance Act, 1899.	Section two.
10 Edw. 7. c. 8.	The Finance (1909-10) Act, 1910.	Sections one to three; subsection (1) of section four; in subsection (2) of section four the words "for the purpose of the assessment of duty thereon," and the words "and to pay interest at the rate of five per cent. per annum on any duty ultimately payable by him as from the date on which the instrument has been executed; in subsection (3) of section four the words from "(a) either" to "assessment or," and the words from "which in their opinion" to the end of the subsection; subsection (4) of section four; in subsection (5) of section four the words from "and with respect" to the end of the subsection; subsection (6) of section four and in subsection (7) of section four the words from "but the Commissioners" to the end of the subsection; sections five to nineteen; in subsection (4) of section twenty-one the words from "or where" to "that duty," the words "or increment value duty as the case may be," the words "or reduction" and the words "or reduction as the case may be"; sections twenty-two, twenty-three, twenty-five to twenty-nine; subsection (4) of section thirty-one; section thirty-two; in subsection (1) of section thirty-five the words from "and any increment" to the end of the subsection; sections thirty-six to forty; in section forty-one the definitions of "rent-charge," "rent," "incumbrance," "fixed charge," "owner" and "agriculture"; in paragraph (1) of section forty-two the definition of "rent," "rent-charge," "owner," "freeholder" and "incumbrance"; paragraph (3) of section forty-two to "accordingly"; section sixty-two; in section seventy-three the words "the conveyance or transfer of any stock or marketable security as defined by section one hundred and twenty-two of that Act or to"; and "as from the 1st day of January, 1921, section eighty-four; as from the 1st day of July, 1921, section eighty-five; as from the 1st day of January, 1921, section eighty-six; and as from the 1st day of July, 1921, the Fifth Schedule.
1 & 2 Geo. 5. c. 2.	The Revenue Act, 1911.	Sections one to six.
1 & 2 Geo. 5. c. 48.	The Finance Act, 1911.	As from the 1st day of January, 1921, section eleven; and as from the 1st day of July, 1921, section twelve.



Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Geo. 5, c. 8.	The Finance Act, 1912.	Section 10.
5 & 6 Geo. 5, c. 62.	The Finance Act, 1915.	Section five.
5 & 6 Geo. 5, c. 89.	The Finance (No. 2) Act, 1915.	Sub-section (5) of section twenty-one; section forty-nine; as from the 1st day of January, 1921, sub-sections (1) and (2) of section ten; and as from the 1st day of July, 1921, sub-section (3) of section ten and section fourteen.
6 & 7 Geo. 5, c. 24.	The Finance Act, 1916.	Sections thirteen and fourteen as from the 1st day of January, 1921.
7 & 8 Geo. 5, c. 31.	The Finance Act, 1917.	Section nine as from the 1st day of January, 1921.
8 & 9 Geo. 5, c. 15.	The Finance Act, 1918.	Sections eighteen to twenty.
8 & 9 Geo. 5, c. 40.	The Income Tax Act, 1918.	Sections nine to thirteen; sub-sections (1) and (2) of section fourteen; sections fifteen; twenty-one, twenty-four, twenty-six, thirty-one, forty-two, fifty, fifty-two and fifty-five.
9 & 10 Geo. 5, c. 32.	The Finance Act, 1919.	Sections three, twenty, twenty-one, twenty-three, twenty-seven; and the First Schedule.

## CHAPTER 19.

### COUNTY COUNCILS ASSOCIATION EXPENSES (AMENDMENT) ACT, 1920.

An Act to authorize an increase in the amount of certain payments by County Councils to the County Councils Association.

[4th August, 1920.]

Be it enacted, &c. :-

1. *Increase of annual subscriptions.*—Section one of the County Councils Association Expenses Act, 1890 [53 & 54 Vict. c. 3] (hereinafter referred to as "the principal Act") which empowers the councils of the administrative counties of England and Wales to pay annual subscriptions to the County Councils Association, shall have effect as if the sum of forty-two pounds was therein substituted for the sum of thirty-one pounds and ten shillings.

2. *Short title.*—This Act may be cited as the County Councils Association Expenses (Amendment) Act, 1920, and the principal Act and this Act may be cited together as the County Councils Association Expenses Acts, 1890 to 1920.

3. *Application.*—This Act does not extend to Scotland or Ireland.

## CHAPTER 20.

### VETERINARY SURGEONS ACT (1881) AMENDMENT ACT, 1920.

An Act to amend the Acts relating to the Practice of Veterinary Surgery and Medicine.

[4th August, 1920.]

Whereas it is desirable to provide further funds for the Royal College of Veterinary Surgeons to enable it to conduct examinations, prosecutions, and inquiries, authorized by statute, and generally to carry out such other objects or duties as may be considered beneficial to the veterinary profession and necessary for the promotion of the art and science of veterinary medicine and surgery:

And whereas doubts have arisen whether persons registered as existing practitioners under section fifteen of the Veterinary Surgeons Act, 1881 [44 & 45 Vict. c. 62], are subject to the jurisdiction of the Royal College of Veterinary Surgeons as conferred on them by that Act in respect of persons on the Register of Veterinary Surgeons:

And whereas it is desirable that persons registered as existing practitioners shall be entitled to style themselves veterinary surgeons:

And whereas the profession of veterinary surgeons is not protected from unqualified persons practising as such under the cover of registration under the Joint Stock Companies Acts:

Be it therefore enacted, &c. :-

1. *Short title and construction.*—This Act shall be supplemental to and read with the Veterinary Surgeons Act, 1881 (hereinafter called the principal Act), and the Veterinary Surgeons Amendment Act, 1900 [63 & 64 Vict. c. 24], and may be cited as the Veterinary Surgeons Act (1881) Amendment Act, 1920, and shall come into operation on the first day of October, one thousand nine hundred and twenty.

2. *Fees and exemptions, with regulations relating thereto.*—(1) An annual fee of one guinea shall be payable on the first day of April in

each year, or on such other date as the council of the Royal College of Veterinary Surgeons may from time to time determine, by every member of the Royal College of Veterinary Surgeons, save as excepted in sub-section (4) hereof, such fee to be paid to the registrar of the Royal College of Veterinary Surgeons on or before the thirtieth day of April, or such other day as the said council may from time to time determine, in each year. On receipt of such fee the registrar shall cause to be posted to the member paying the same a copy of the Register of Veterinary Surgeons free of all cost.

(2) If the annual fee of any member shall not have been paid on or before the thirtieth day of April (or such other day as the said council may from time to time determine) in any year, the registrar shall send to such member by registered post at the address given in the Register of Veterinary Surgeons for the time being, or to any other address of which written notice shall have been given by such member to the registrar, a notice requiring payment, and, if such payment shall not be made within one month from posting such notice, a final notice shall be sent to such member by registered post.

(3) If any member of the Royal College of Veterinary Surgeons shall not have paid such annual fee for the time being within one month from the posting of the final notice mentioned in the last preceding subsection, thereupon such unpaid fee shall become and be a debt due and payable to the Royal College of Veterinary Surgeons at the then existing head office of the college, and, if the member so making default be ordinarily resident in England or Wales, may be sued for and recovered in the county court having jurisdiction over the district in which the said member may be ordinarily resident, and, if the member so making default be ordinarily resident in Scotland, such debt may be sued for and recovered in the sheriff court, and, if the member so making default be ordinarily resident in Ireland, such debt may be sued for and recovered in the county court of the district in which the said member is ordinarily resident: Provided always that the council shall have power to withhold such proceedings for the recovery of the said fee in cases in which, in the opinion of the council, the member is unable to pay. In any such proceedings a certificate purporting to be under the hand of the secretary of the college, setting forth that a member's subscription is due and unpaid, shall be *prima facie* evidence thereof and of a member's default in payment.

(4) This section shall not apply to members of the Royal College of Veterinary Surgeons who do not practise in the United Kingdom, or to holders of the veterinary certificate of the Highland and Agricultural Society who have been or may hereafter be admitted as members of the Royal College of Veterinary Surgeons in conformity with clauses one and two of the supplemental charter of 1879 granted to the Royal College of Veterinary Surgeons, or to existing practitioners as defined in section fifteen of the principal Act.

(5) The council of the Royal College of Veterinary Surgeons shall forthwith prepare and pass byelaws for the disposition of the money from time to time received in respect of the annual fee, and shall have power from time to time to add to, vary, and alter the same (such byelaws, additions, variations, and alterations to be made and carried out subject to the conditions prescribed in the charter of the college dated eighth March, eighteen hundred and forty-four): Provided always that such byelaws and any alterations thereto shall have no force or validity until the same shall have been submitted to, and approved by, the Privy Council.

3. *Existing practitioners to be entitled to style themselves veterinary surgeons and to be subject to discipline of Royal College of Veterinary Surgeons.*—From and after the commencement of this Act, all persons duly registered as existing practitioners, in accordance with section fifteen of the principal Act, and whose names are on the register kept for that purpose, shall be entitled to style themselves veterinary surgeons, and shall be subject to the jurisdiction of the Royal College of Veterinary Surgeons in all respects and in like manner as if they were members of the Royal College of Veterinary Surgeons, and shall be liable in like manner to have their names removed from the register of existing practitioners by the council of the said college, and shall in like manner be bound by any byelaws already made, and which may hereafter be duly made, defining what amounts to conduct disgraceful in a professional respect within the meaning of section six of the principal Act.

4. *Companies to be liable for offences the same as individuals.*—Anything which would be an offence under the principal Act if committed by an individual shall be an offence if committed by a company registered under the Companies Acts, 1908 to 1917, or a society registered under the Industrial and Provident Societies Acts, 1893 to 1913.

## CHAPTER 21.

### HARBOURS, DOCKS, AND PIERS (TEMPORARY INCREASE OF CHARGES) ACT, 1920.

An Act to make provision for the temporary modification of the charges which may be made in respect of Ports, Harbour, Dock, and Pier Undertakings.

[4th August, 1920.]

## CHAPTER 22.

### ECCLESIASTICAL TITHE RENTCHARGE (RATES) ACT, 1920.

An Act to reduce temporarily the rates payable in respect of Ecclesiastical Tithe Rentcharge.

[4th August, 1920.]



Be it enacted, &c. :-

1. *Partial relief of ecclesiastical tithe rentcharge from rates.*—(1) The owner of tithe rentcharge attached to an ecclesiastical corporation or benefice shall not be liable to pay, in respect of any rate made on or after the first day of April, nineteen hundred and twenty, and before the first day of January, nineteen hundred and twenty-six, which is assessed on him as owner of that tithe rentcharge, an amount in excess of such an amount as would have been payable by him if the rate had been made at such amount in the pound as is equal to the amount in the pound (to be ascertained in accordance with the rules set out in the Schedule to this Act) at which the corresponding rate was made in the year nineteen hundred and eighteen, and the excess shall be deemed to be irrecoverable.

(2) Where the owner of tithe rentcharge attached to a benefice, before payment of the amount payable by him in respect of any such rate as aforesaid, produces to the collector of the rate a statutory declaration made by him in a form prescribed by the Minister of Health showing that the total income arising from the benefice for the year ending on the fifth day of April preceding the date at which the rate was made, estimated in accordance with the provisions of the Income Tax Acts, did not exceed three hundred pounds, or, if it exceeded that sum, did not exceed five hundred pounds, the owner shall be entitled to such relief or abatement in respect of such rate as follows, that is to say, if the total income arising from the benefice did not exceed three hundred pounds the owner shall not be liable to any payment in respect of the rate, and if it exceeded that sum, but did not exceed five hundred pounds the owner shall be allowed an abatement of one-half of the amount which would otherwise be payable by him in respect of the rate having regard to the preceding provisions; and the amount of any relief or abatement in respect of a rate given by this section shall be deemed to be irrecoverable.

A statutory declaration made for the purpose of this section shall be exempt from stamp duty.

(3) Nothing in this Act shall affect the allowance to be made in respect of rates in the assessment of tithe rentcharge for any rate or tax.

(4) Any amount paid by the owner of tithe rentcharge in respect of any rate to which this Act applies in excess of the amount which he is by virtue of this Act liable to pay shall be recoverable on demand made within six months after the passing of this Act as a debt due to him by the collector of the rate, and such amount shall be so recoverable notwithstanding that the statutory declaration required by this Act to entitle the owner to exemption or relief was not produced to the collector of the rate before payment of the rate if such declaration is so produced on or before the demand for repayment.

(5) In this Act the expression "ecclesiastical corporation" has the same meaning as in the Episcopal and Capitular Estates Act, 1851 [14 & 15 Vict. c. 104]; the expressions "benefice" and "owner of tithe rentcharge" and "tithe rentcharge" have the same meanings as in the Tithe Rentcharge (Rates) Act, 1899 [62 & 63 Vict. c. 17]; and the expression "rate" means a rate the proceeds of which are applicable to public local purposes and which is leviable on the basis of an assessment in respect of the yearly value of property.

2. *Short title.*—This Act may be cited as the Ecclesiastical Tithe Rentcharge (Rates) Act, 1920.

#### SCHEDULE.

##### [Section 1.]

#### RULES FOR DETERMINING AMOUNT IN THE POUND OF CORRESPONDING RATE.

(1) Where a rate (hereinafter referred to as "a current rate") is made in respect of any yearly, half-yearly, or other period, and a corresponding rate in the year nineteen hundred and eighteen (hereinafter referred to as "the standard rate") was made in respect of the like period, the amount in the pound of the standard rate shall, for the purposes of this Act, be treated as the amount in the pound at which the corresponding rate was made.

(2) Where a current rate is made in respect of any yearly, half-yearly, or other period, and the standard rate was made in respect of a shorter or longer period, then—

(a) in the former case, the aggregate of the amounts in the pound of the standard rates made in respect of the periods covered by the period in respect of which the current rate is made shall, for the purposes of this Act, be treated as the rate in the pound at which the corresponding rate was made;

(b) in the latter case, such part of the amount in the pound of the standard rate as bears to the whole of that amount the same proportion as the period in respect of which the current rate is made bears to the period in respect of which the standard rate was made shall, for the purposes of this Act, be treated as the rate in the pound at which the corresponding rate was made.

(3) If by reason of the constitution or extension of a borough or urban district, the consolidation of rates, or other change of circumstances any question arises as to the rate to which a current rate corresponds, the question shall be determined in accordance with any general or special regulations which the Minister of Health may make for the purpose; and such regulations may provide for the manner in which, in cases to which the regulations apply, the rate in the pound of the corresponding rate is to be calculated, and for a rate being treated as two or more rates according to the purposes for which it was levied, and for making adjustments when the proportion of the rateable

value on which tithe rentcharge is assessed to a current rate differs from the proportion on which it was assessed to the standard rate, or when any other circumstances render such adjustment necessary.

(4) Where in the year nineteen hundred and eighteen no rate was made which corresponds to or under regulations made as aforesaid is deemed to correspond to a current rate, the amount in the pound at which the corresponding rate was made in that year shall, for the purposes of this Act, be treated as nil.

#### CHAPTER 23.

##### WAR PENSIONS ACT, 1920.

An Act to amend the War Pensions Acts, 1915 to 1919, and the Ministry of Pensions Act, 1916. [4th August, 1920.]

Be it enacted, &c. :-

1. *Amendment of 6 & 7 Geo. 5, c. 65.*—(1) The powers and duties transferred from the Admiralty, the Commissioners of the Royal Hospital for Soldiers at Chelsea, the Army Council, and the Secretary of State for War to the Minister by the Ministry of Pensions Act, 1916, shall, except in so far as those powers and duties relate to pensions or grants to which the War Pensions Acts as amended by this Act apply, or to pensions or grants awarded in respect of wounds, disabilities, or other matters suffered, incurred, or happening in any war which occurred before the fourth day of August, nineteen hundred and fourteen, be re-transferred to the Admiralty, the Commissioners, the Army Council, and the Secretary of State respectively, and all powers and duties with respect to the administration of pensions vested in the Minister under sub-section (3) of section two of the Air Force (Constitution) Act, 1917 [7 & 8 Geo. 5, c. 51], other than powers with respect to pensions to which the War Pensions Acts as amended by this Act apply, shall be transferred to the Air Council, and the expressions "the present war," "the great war," or "the war" in any Warrants or Orders in Council relating to pensions, grants or allowances administered by the Minister shall have the same meaning as by virtue of this Act the expression "the present war" has in the War Pensions Acts, and all such Warrants and Orders in Council shall be construed and have effect accordingly.

(2) The expression "pension" in the Ministry of Pensions Act, 1916, and in sub-section (3) of section two of the Air Force (Constitution) Act, 1917, shall, in relation to officers, include a wounds pension awarded to an officer who is at any time after the date on which this sub-section comes into operation in receipt of retired pay, or in the case of a naval warrant officer of a pension, granted under a Warrant or Order in Council administered by the Minister.

(3) If any question arises as to whether any pension, grant or allowance is a pension, grant, or allowance to which the War Pensions Acts as amended by this Act apply, that question shall be referred to the Minister, and the decision of the Minister thereon shall be conclusive.

(4) The provisions of sub-section (2) of this section shall have effect as from the first day of August, nineteen hundred and twenty, and the other provisions of this section shall have effect as from the thirtieth day after the date fixed under the Termination of the Present War (Definition) Act, 1918 [8 & 9 Geo. 5, c. 59], as the date of the termination of the present war.

2. *Application of War Pensions Acts.*—The expression "the present war" in the War Pensions Acts shall mean any war carried on by His Majesty at any time during the period from the fourth day of August, nineteen hundred and fourteen, to the thirtieth day after the date fixed under the Termination of the Present War (Definition) Act, 1918, as the date of the termination of the present war, both inclusive, and accordingly, unless the context otherwise requires, references in those Acts to pensions, grants, and allowances, and to deceased or disabled officers or men, shall respectively be construed as references to pensions, grants, and allowances, granted, made, or awarded in respect of wounds, disabilities or other matters suffered, incurred, or happening during the said period, whether the officers or men to or in respect of whom the pensions, grants or allowances are granted, made or awarded, retired or are discharged from the service or die before the expiration of the said period, or whether they so retire, or are discharged, or die after the expiration of the said period, and to officers and men who have died or been disabled through causes arising out of their service during that period, whether they retire or are discharged from the service or die before the expiration of the said period, or whether they so retire, or are discharged, or die after the expiration of the said period.

Provided that nothing in this section shall affect the operation of section three of the War Pensions (Administrative Provisions) Act, 1919 [9 & 10 Geo. 5, c. 53].

3. *Power to divide county area into districts and to establish committees for districts.*—(1) Where it appears to the Minister that, with a view to the better administration of the War Pensions Acts in any county, it is expedient so to do, he may by order make a scheme for dividing the area of the county into such number of districts as he thinks proper, and for establishing for each of those districts a committee to act as a committee for the purposes of the War Pensions Acts in that district, or in the case of any such district for amalgamating the district with the area of an existing local committee: Provided that, where the Minister proposes to make a scheme under this section, he shall give notice of the proposed scheme to the committee of any

county affected, and, if the committee within fourteen days after the receipt of the notice make to the Minister in writing any representations with respect to the proposed scheme, the Minister shall take those representations into consideration before making the scheme.

(2) Committees established by the Minister under this section shall be deemed to be local committees within the meaning of the War Pensions Acts, and the scheme establishing any such committee shall provide for the representation on and inclusion among the members of the committee of persons who are required to be represented on, or included among, the members of local committees constituted under the Act of 1915, and may also provide for the inclusion among the members of the committee of persons appointed by any local authorities whose area or any part of whose area is comprised in the district.

(3) Every order by which a scheme is made under this section shall provide for the dissolution of the local committee established for the county, and for the transfer to or distribution among the committees comprising the area of the dissolved committee of any business pending before and for securing so far as practicable that officers in the employment of the dissolved committee shall be transferred to the said committees and employed by those committees in posts suitable to their standing and qualifications, and any such order may contain such other supplemental and consequential provisions as the Minister thinks necessary for the purpose of securing the due administration of the War Pensions Acts in that area.

(4) Where the local committee for a county is dissolved under this section, any local committee established for any borough or urban district in the county in pursuance of the provisions of section three of the Naval and Military War Pensions, &c. (Administrative Expenses) Act, 1917 [7 & 8 Geo. 5, c. 14], shall exercise the functions of a local committee set forth in paragraph (f) of section four of the Act of 1915 without being so directed by the Minister in pursuance of section eleven of the Act of 1918.

(5) If the local committee for the County of London is dissolved under this section, the provisions of section four of the Naval and Military War Pensions, &c. (Administrative Expenses) Act, 1917, shall, as from the date of the order, cease to have effect, and provision shall be made by the scheme under sub-section (1) of this section for the establishment of a separate local committee for the City of London and for each metropolitan borough.

(6) Every order made under this section shall be laid before each House of Parliament as soon as may be after it is made, and, if an address is presented to His Majesty by either House within the next subsequent twenty-one days on which that House has sat next after the said order is laid before it praying that the order may be annulled, His Majesty in Council may annul the order, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(7) Any order made under this section may be varied or revoked by a subsequent order made in like manner and subject to the like conditions.

(8) In this section the expression "county" means the area of a local committee for a county.

4. *Amendment of s. 2 of 8 & 9 Geo. 5, c. 57.*—Section two of the Act of 1918 shall have effect subject to the following amendments:—

(1) The powers of the Minister under sub-section (1) of section two may be exercised not only for the purpose of securing the proper exercise and performance of the powers and duties of local committees, but also for the purpose of securing greater economy in the administration of the War Pensions Acts, if the Minister is satisfied that those powers can be so exercised without prejudice to the due execution of those Acts:

(2) Where any person has, by reason of a declaration made by the Minister under paragraph (g) of sub-section (1) of section two, vacated his office as a member of a committee, that person shall not be re-appointed a member of the committee except with the consent of the Minister:

(3) The Minister may by order under section two at any time, and in the case of an order made under paragraph (f) of sub-section (1) of the said section without any further public local inquiry, revoke, vary or amend an order made under the said section:

5. *Appointment of person to act as finance officer to local committee.*—If the Minister is satisfied that any committee has failed to keep proper and sufficient accounts or that any moneys provided by Parliament for the purpose of the payment of or otherwise in connection with any pensions, grants or allowances to which the War Pensions Acts apply, have been irregularly or improperly applied, he may by order direct that the issue and payment of money by that committee shall be subject to the sole control of an officer of the Ministry of Pensions appointed for the purpose, and any such order may prescribe the functions to be exercised by the officer thereby appointed.

6. *Power of officer holding local inquiry with respect to witnesses, &c.*—The power to make regulations under paragraph (c) of sub-section (1) of section five of the Act of 1918 shall include the power to make regulations applying, with or without modification, for the purposes of any local inquiry held under the War Pensions Acts, any of the provisions of section twenty-one or section twenty-six of the Poor Law Board Act, 1847 [10 & 11 Vict. c. 109] (which relate respectively to the power of inspectors to summon and examine witnesses and to penalties on persons refusing or neglecting to attend or give evidence), or any of the provisions of any corresponding enactments applying to Scotland or Ire-

land, and any regulations made under this section shall, (subject to any provision therein to the contrary), apply throughout the United Kingdom.

7. *Restoration of forfeited pensions.*—(1) The Minister may, in his discretion and upon such terms as he thinks fit, restore, either in whole or in part, any pension which has been forfeited under the Forfeiture Act, 1870 [33 & 34 Vict. c. 23].

(2) During such time as any person whose pension has been forfeited, whether under the Forfeiture Act, 1870, or otherwise, is undergoing imprisonment, the Minister may in his discretion pay or apply any part of the pension which may be restored under the foregoing provision or otherwise, or any allowance payable to that person during the continuance of the pension, to, or for the benefit of, the wife, children, or other dependants of that person.

(3) In this section the expression "pension" means any pension awarded or administered by the Minister in pursuance of any Warrant or Order in Council.

8. *Statutory right of widow and children to a pension.*—(1) The widow or dependant of a deceased officer or man shall be entitled to receive such pension, gratuity, or allowance as is awarded by the Minister under any Warrant or Order in Council for the time being in force in respect of that officer or man, and for the payment whereof money has been provided by Parliament, but the award of any such pension, gratuity, or allowance shall be subject to the conditions contained in the Warrant or Order.

(2) Section eight of the War Pensions (Administrative Provisions) Act, 1919 (which provides for appeals to pensions appeal tribunals), shall have effect as though the words "or parent or dependant" were inserted therein after the words "motherless child."

9. *Amendment of s. 9 of 8 & 9 Geo. 5, c. 57.*—The following sub-section shall be substituted for sub-section (4) of section nine of the Act of 1918:—

"(4) Any child for the care of whom it is the duty of the Minister under this section to make provision may be committed to the care of the Minister or any person appointed by him for the purposes of this sub-section by an order made under section twenty-one or sub-section (7) of section fifty-eight of the Children Act, 1906 [8 Ed. 7, c. 67], as if the Minister or the person so appointed were named in those sections as a person to whose care a child may be committed."

10. *Exemption from stamp duty.*—Any order, receipt, or other document used in relation to the payment of any pension, grant, or allowance to which the War Pensions Acts apply shall, unless otherwise provided by the Warrant, or Order in Council, under which the pension, grant, or allowance is granted, made, or awarded, be exempt from stamp duty.

11. *Interpretation.*—(1) Unless the context otherwise requires, the expression "Royal warrant" or "Warrant" in the War Pensions Acts shall include any order under the Air Force (Constitution) Act, 1917, relating to pensions the administration of which is vested in the Minister.

(2) In this Act, unless the context otherwise requires:—

The expression "the Minister" means the Minister of Pensions:  
The expression "the War Pensions Acts" means the War Pensions Acts, 1915 to 1919, and this Act:

The expression "the Act of 1915" means the Naval and Military War Pensions, &c., Act, 1915 [5 & 6 Geo. 5, c. 83]:

The expression "the Act of 1918" means the War Pensions (Administrative Provisions) Act, 1918 [8 & 9 Geo. 5, c. 57].

(3) This Act shall be construed as one with the War Pensions Acts, 1915 to 1919.

12. *Short title and repeal.*—(1) This Act may be cited as the War Pensions Act, 1920, and the War Pensions Acts, 1915 to 1919, and this Act may be cited together as the War Pensions Acts, 1915 to 1920.

(2) The words in section nine of the War Pensions (Administrative Provisions) Act, 1919 [9 & 10 Geo. 5, c. 53], from "the expression" to "1918 and" are hereby repealed.

## CHAPTER 24.

### BANK NOTES (IRELAND) ACT, 1920.

An Act to amend the Law with respect to the Place of Payment of Notes issued by Banks of Issue in Ireland. [4th August, 1920.]

## CHAPTER 25.

### PUBLIC LIBRARIES (IRELAND) ACT, 1920.

An Act to amend section eight of the Public Libraries (Ireland) Act, 1855, and for other purposes incidental thereto. [4th August, 1920.]

## CHAPTER 26.

### SHERIFFS (IRELAND) ACT, 1920.

An Act to amend the Law relating to the offices of Sheriff and Under-Sheriff in Ireland; and for other purposes incidental thereto. [4th August, 1920.]



## CHAPTER 27.

## NAURU ISLAND AGREEMENT ACT, 1920.

An Act to confirm an Agreement made between His Majesty's Government in London, His Majesty's Government of the Commonwealth of Australia, and His Majesty's Government of the Dominion of New Zealand, in relation to the Island of Nauru.

[4th August, 1920.]

Whereas an agreement was made on the second day of July, nineteen hundred and nineteen, between the Governments of the United Kingdom, the Commonwealth of Australia, and the Dominion of New Zealand, with respect to the administration of the Island of Nauru and the mining of the phosphate deposits on the said island, and a copy of the said agreement (in this Act referred to as "the agreement") is set out in the Schedule to this Act:

And whereas the agreement requires confirmation by Parliament:

Be it enacted, &c.:—

1. *Confirmation of agreement.*—(1) The agreement is hereby confirmed subject to the provisions of Article twenty-two of the Covenant of the League of Nations.

(2) Any sums payable under or by virtue of the agreement by the Government of the United Kingdom shall be paid out of moneys provided by Parliament.

2. *Short title.*—This Act may be cited as the Nauru Island Agreement Act, 1920.

## SCHEDULE.

[Agreement between His Majesty's Government in London, His Majesty's Government of the Commonwealth of Australia, and His Majesty's Government of the Dominion of New Zealand.]

## CHAPTER 28.

## GAS REGULATION ACT, 1920.

An Act to amend the Law with respect to the supply of Gas.

[4th August, 1920.]

## CHAPTER 29.

## OVERSEAS TRADE (CREDITS AND INSURANCE) ACT, 1920.

An Act to authorize the granting of Credits and the undertaking of Insurances for the purpose of re-establishing Overseas Trade.

[9th August, 1920.]

Be it enacted, &c.:—

1. *Power of Board of Trade to grant credits and undertake insurance.*—(1) For the purpose of re-establishing trade or any branch of trade between the United Kingdom and any country, being one of the countries specified in the Schedule to this Act, the Board of Trade, with the consent of the Treasury, and after consultation with an advisory committee to be constituted by the Board of Trade for the purposes of this Act, may, where it appears to the Board advisable so to do by reason of circumstances arising out of the war—

(a) make arrangements for granting to persons domiciled in or to companies incorporated by or under the laws of the United Kingdom credits in connection with the export to any country specified in the Schedule to this Act of goods wholly or partly produced or manufactured in the United Kingdom; and

(b) undertake the business of the insurance (including re-insurance) of any such goods as aforesaid where risks of an abnormal or exceptional nature are involved, insurance against which cannot, in the opinion of the Board, be otherwise effected on reasonable terms, and for that purpose fix and receive premiums:

Provided that no credit shall be granted by the Board under this section—

(i) so as to make the aggregate amount outstanding in respect of credits at any time exceed the sum of twenty-six million pounds; or

(ii) to an alien, or to a firm in which the majority of the partners are aliens, or to a company where British subjects do not form a majority of the directors, or where a majority of the voting power is not in the hands of British subjects.

(2) Subject to the provisions of this section, any sums repaid to the Board of Trade in respect of credits granted under this section may be applied by the Board for the purpose of any further credits so granted at any subsequent date.

(3) Any sums received by the Board of Trade by way of commission in respect of credits granted under this section, and any premiums received by the Board in respect of insurances undertaken under this section, may be applied by the Board in payment respectively of any expenses incurred in connection with the granting of credits and any expenses incurred in connection with the business of insurance.

(4) Subject as otherwise expressly provided in this section, any expenses incurred by the Board of Trade under this section shall be paid out of moneys provided by Parliament, and any excess of receipts over expenses shall be paid into the Exchequer in accordance with directions to be given by the Treasury.

2. *Commencement and operation.*—(1) This Act shall be deemed to have had effect as from the twenty-first day of June, nineteen hundred and nineteen.

(2) The powers of the Board of Trade under this Act with respect to the granting of credits may be exercised at any time within the

period of three years from the eighth day of September, nineteen hundred and nineteen, and the powers of the Board under this Act with respect to the business of insurance may be exercised at any time within the period of three years from the twenty-first day of June, nineteen hundred and nineteen, so, however, that it shall be a term of every credit granted under this Act that any sums becoming due to the Board thereunder shall be repayable at some date not later than six years from the said eighth day of September, nineteen hundred and nineteen.

3. *Power to make additions to Schedule.*—(1) The Board of Trade may, if they consider it expedient so to do, by order add to the Schedule to this Act the name of any country the industrial and financial condition of which has been disorganised by the war, and any such order may provide that, as respects the country specified in the order, credits shall only be granted as respects trade of such a character or conducted through such channels in that country as may be specified in the order.

(2) Any order made under this section shall be laid before both Houses of Parliament as soon as may be after it is made, and if an address is presented to His Majesty by either House within the next subsequent twenty-one days after the order is so laid, praying that the order may be annulled, His Majesty in Council may annul the order and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

4. *Exercise of powers of Board of Trade under Act.*—Any things authorized under this Act to be done by or to the Board of Trade may be done by or to the President, a secretary, or an assistant secretary, of the Board, or by or to any person authorized in that behalf by the President of the Board.

5. *Return of credits granted.*—The Board of Trade shall publish quarterly a return showing the amounts of any credits granted under this Act, and the countries in respect of which credits have been granted.

6. *Short title.*—This Act may be cited as the Overseas Trade (Credits and Insurance) Act, 1920.

## SCHEDULE.

## Section 1.

Finland, Latvia, Esthonia, Lithuania, Poland, Czecho-Slovakia, Serb-Croat-Slovene State, Rumania, Georgia, Armenia.

## CHAPTER 30.

## UNEMPLOYMENT INSURANCE ACT, 1920.

An Act to amend the Law in respect of Insurance against Unemployment.

[9th August, 1920.]

## CHAPTER 31.

## RESTORATION OF ORDER IN IRELAND ACT, 1920.

An Act to make provision for the Restoration and Maintenance of Order in Ireland.

[9th August, 1920.]

## CHAPTER 32.

## APPROPRIATION ACT, 1920.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and nineteen and one thousand nine hundred and twenty-one, and to appropriate the Supplies granted in this Session of Parliament.

[16th August, 1920.]

## CHAPTER 33.

## MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT, 1920.

An Act to facilitate the enforcement in England and Ireland of Maintenance Orders in other parts of His Majesty's Dominions and Protectorates and vice versa.

[16th August, 1920.]

Be it enacted, &c.:—

1. *Enforcement in England and Ireland of maintenance orders made in His Majesty's dominions outside the United Kingdom.*—(1) Where a maintenance order has, whether before or after the passing of this Act, been made against any person by any court in any part of His Majesty's dominions outside the United Kingdom to which this Act extends, and a certified copy of the order has been transmitted by the governor of that part of His Majesty's dominions to the Secretary of State, the Secretary of State shall send a copy of the order to the prescribed officer of a court in England or Ireland for registration; and on receipt thereof the order shall be registered in the prescribed manner, and shall, from the date of such registration, be of the same force and effect, and, subject to the provisions of this Act, all proceedings may be taken on such order as if it had been an order originally obtained in the court in which it is so registered, and that court shall have power to enforce the order accordingly.

(2) The court in which an order is to be so registered as aforesaid shall, if the court by which the order was made was a court of superior jurisdiction, be the Probate, Divorce and Admiralty Division



of the High Court, or in Ireland the King's Bench Division (Matrimonial) of the High Court of Justice in Ireland, and, if the court was not a court of superior jurisdiction, be a court of summary jurisdiction.

2. *Transmission of maintenance orders made in England or Ireland.*—Where a court in England or Ireland has, whether before or after the commencement of this Act, made a maintenance order against any person, and it is proved to that court that the person against whom the order was made is resident in some part of His Majesty's dominions outside the United Kingdom to which this Act extends, the court shall send to the Secretary of State for transmission to the governor of that part of His Majesty's dominions a certified copy of the order.

3. *Power to make provisional orders of maintenance against persons resident in His Majesty's dominions outside the United Kingdom.*—

(1) Where an application is made to a court of summary jurisdiction in England or Ireland for a maintenance order against any person, and it is proved that that person is resident in a part of His Majesty's dominions outside the United Kingdom to which this Act extends, the court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if a summons had been duly served on that person and he had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by a competent court in such part of His Majesty's dominions as aforesaid.

(2) The evidence of any witness who is examined on any such application shall be put into writing, and such deposition shall be read over to and signed by him.

(3) Where such an order is made, the court shall send to the Secretary of State for transmission to the governor of the part of His Majesty's dominions in which the person against whom the order is made is alleged to reside the depositions so taken and a certified copy of the order, together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing, and such information as the court possesses for facilitating the identification of that person, and ascertaining his whereabouts.

(4) Where any such provisional order has come before a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends for confirmation, and the order has by that court been remitted to the court of summary jurisdiction which made the order for the purpose of taking further evidence, that court or any other court of summary jurisdiction sitting and acting for the same place shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

If upon the hearing of such evidence it appears to the court that the order ought not to have been made, the court may rescind the order, but in any other case the depositions shall be sent to the Secretary of State and dealt with in like manner as the original depositions.

(5) The confirmation of an order made under this section shall not affect any power of a court of summary jurisdiction to vary or rescind that order: Provided that on the making of a varying or rescinding order the court shall send a certified copy thereof to the Secretary of State for transmission to the governor of the part of His Majesty's dominions in which the original order was confirmed, and that in the case of an order varying the original order the order shall not have any effect unless and until confirmed in like manner as the original order.

(6) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as he would have had against a refusal to make the order had a summons been duly served on the person against whom the order is sought to be made.

4. *Power of court of summary jurisdiction to confirm maintenance order made out of the United Kingdom.*—(1) Where a maintenance order has been made by a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends, and the order is provisional only, and has no effect unless and until confirmed by a court of summary jurisdiction in England or Ireland, and a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed has been transmitted to the Secretary of State, and it appears to the Secretary of State that the person against whom the order was made is resident in England or Ireland, the Secretary of State may send the said documents to the prescribed officer of a court of summary jurisdiction, with a requisition that a summons be issued calling upon the person to show cause why that order should not be confirmed, and upon receipt of such documents and requisition the court shall issue such a summons and cause it to be served upon such person.

(2) A summons so issued may be served in England or Ireland in the same manner as if it had been originally issued or subsequently indorsed by a court of summary jurisdiction having jurisdiction in the place where the person happens to be.

(3) At the hearing it shall be open to the person on whom the summons was served to raise any defence which he might have raised in the original proceedings had he been a party thereto, but no other defence, and the certificate from the court which made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that those grounds are grounds on which objection may be taken.

(4) If at the hearing the person served with the summons does not appear, or, on appearing, fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order either without modification or with such modifications as to the court, after hearing the evidence, may seem just.

(5) If the person against whom the summons was issued appears at the hearing and satisfies the court that for the purpose of any defence it is necessary to remit the case to the court which made the provisional order for the taking of any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(6) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming court, and where on an application for rescission or variation the court is satisfied that it is necessary to remit the case to the court which made the order for the purpose of taking any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(7) Where an order has been so confirmed, the person bound thereby shall have the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order had the order been an order made by the court confirming the order.

5. *Power of Secretary of State to make regulations for facilitating communications between courts.*—The Secretary of State may make regulations as to the manner in which a case can be remitted by a court authorized to confirm a provisional order to the court which made the provisional order, and generally for facilitating communications between such courts.

6. *Mode of enforcing orders.*—(1) A court of summary jurisdiction in which an order has been registered under this Act or by which an order has been confirmed under this Act, and the officers of such court, shall take all such steps for enforcing the order as may be prescribed.

(2) Every such order shall be enforceable in like manner as if the order were for the payment of a civil debt recoverable summarily:

Provided that, if the order is of such a nature that if made by the court in which it is so registered, or by which it is so confirmed, it would be enforceable in like manner as an order of affiliation, the order shall be so enforceable.

(3) A warrant of distress or commitment issued by a court of summary jurisdiction for the purpose of enforcing any order so registered or confirmed may be executed in any part of the United Kingdom in the same manner as if the warrant had been originally issued or subsequently endorsed by a court of summary jurisdiction having jurisdiction in the place where the warrant is executed.

7. *Application of Summary Jurisdiction Acts.*—The Summary Jurisdiction Acts shall apply to proceedings before courts of summary jurisdiction under this Act in like manner as they apply to proceedings under those Acts, and the power of the Lord Chancellor to make rules under section twenty-nine of the Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49), shall include power to make rules regulating the procedure of courts of summary jurisdiction under this Act.

8. *Proof of documents signed by officers of court.*—Any document purporting to be signed by a judge or officer of a court outside the United Kingdom shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall, until the contrary is proved, be deemed to have been the proper officer of the court to sign the document.

9. *Depositions to be evidence.*—Depositions taken in a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends for the purposes of this Act, may be received in evidence in proceedings before courts of summary jurisdiction under this Act.

10. *Interpretation.*—For the purposes of this Act, the expression "maintenance order" means an order other than an order of affiliation for the periodical payment of sums of money towards the maintenance of the wife or other dependants of the person against whom the order is made, and the expression "dependants" means such persons as that person is, according to the law in force in the part of His Majesty's dominions in which the maintenance order was made, liable to maintain; the expression "certified copy" in relation to an order of a court means a copy of the order certified by the proper officer of the court to be a true copy, and the expression "prescribed" means prescribed by rules of court.

11. *Application to Ireland.*—In the application of this Act to Ireland the following modifications shall be made:—

(a) The Lord Chancellor of Ireland may make rules regulating the procedure of courts of summary jurisdiction under this Act, and other matters incidental thereto:

(b) Orders intended to be registered or confirmed in Ireland shall be transmitted by the Secretary of State to the prescribed officer of a court in Ireland through the Lord Chancellor of Ireland:

(c) The expression "maintenance order" includes an order or decree for the recovery or repayment of the cost of relief or maintenance made by virtue of the provisions of the Poor Relief (Ireland) Acts, 1836 to 1914.

**12. Extent of Act.**—(1) Where His Majesty is satisfied that reciprocal provisions have been made by the Legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of maintenance orders made by courts within England and Ireland, His Majesty may, by Order in Council, extend this Act to that part, and thereupon that part shall become a part of His Majesty's dominions to which this Act extends.

(2) His Majesty may by Order in Council extend this Act to any British protectorate, and where so extended this Act shall apply as if any such protectorate was a part of His Majesty's dominions to which this Act extends.

**13. Short title.**—This Act may be cited as the Maintenance Orders (Facilities for Enforcement) Act, 1920.

### CHAPTER 34.

#### DUPLICANDS OF FEU-DUTIES (SCOTLAND) ACT, 1920.

An Act to amend the Law relating to the payment of Duplicands of Feu-duties in Scotland.  
[16th August, 1920.]

### CHAPTER 35.

#### REPRESENTATION OF THE PEOPLE (No. 2) ACT, 1920.

An Act to make further provision with respect to the time for the counting of votes at Parliamentary elections, and to amend the Law with respect to the right of voting by proxy; and for the purposes connected therewith.  
[16th August, 1920.]

Be it enacted, &c. :—

**1. Time for counting votes at parliamentary elections.**—Sub-section (3) of section twenty-three of the Representation of the People Act, 1918 [8 Geo. 5, c. 64] (hereinafter referred to as the principal Act), and section one of the Representation of the People (Amendment) Act, 1918 [8 & 9 Geo. 5, c. 50] (which enable provision to be made temporarily for counting the votes at certain elections at a time after the close of the poll to be fixed by Order in Council), shall cease to have effect.

**2. Extension of right to vote by proxy.**—(1) Section twenty-three of the principal Act shall have effect as though the following sub-section were substituted for sub-section (4) thereof :—

"(4) Any person whose name is entered on the absent voters list, and who makes a statement in the prescribed form that there is a probability that he will at the time of a parliamentary election be at sea or out of the United Kingdom, and satisfies the registration officer as to the bona fides of such statement, shall be entitled if he so desires to appoint a proxy, and having appointed a proxy to vote by proxy in accordance with and subject to the provisions of this Act.

"No ballot paper shall be sent for the purpose of voting by post to a person who has appointed a proxy under this provision while the appointment is in force, or to any person unless the address of that person recorded by the registration officer is an address in the United Kingdom.

"The provisions set out in the Third Schedule to this Act shall have effect with respect to voting by proxy."

(2) The Third Schedule to the principal Act shall have effect as though the following paragraph were substituted for paragraph 4 :—

"4. A proxy paper, unless cancelled, shall remain in force so long as the elector continues to be registered in respect of the same qualification, and to be on the absent voters list."

(3) Any proxy paper in force at the date of the commencement of this Act shall continue in force as though it had been issued under the principal Act as amended by this Act.

**3. Day of poll at by-elections.**—In the case of a parliamentary by-election—

(a) The day fixed for nomination in boroughs shall not be later than the seventh day after the returning officer receives the writ, with an interval of not less than two clear days between the day on which the returning officer gives the notice and the day of nomination; and

(b) the poll shall take place on such day as the returning officer may appoint, not being less than six or more than eight clear days after the date fixed for nomination;

and the First Schedule to the Ballot Act, 1872 [35 & 36 Vict. c. 33], and sub-section (1) of section twenty-one of the principal Act shall be modified accordingly.

**4. Short title and commencement.**—(1) This Act may be cited as the Representation of the People (No. 2) Act, 1920, and shall be included among the Acts which may be cited as the Representation of the People Acts, 1918 to 1920.

(2) This Act shall come into operation at the expiration of two months from the passing thereof, but where at the date on which this Act comes into operation a writ has been issued in respect of any election, this Act shall not apply to that election.

### CHAPTER 36.

#### PENSIONS (INCREASE) ACT, 1920.

An Act to authorize the Increase of certain Pensions.

[16th August, 1920.]

Be it enacted, &c. :—

**1. Power to increase certain pensions.**—(1) The pensions payable to pensioners to whom this section applies, and in whose case the conditions laid down by this Act (in this Act referred to as statutory conditions) are fulfilled, may, so long as those conditions continue to be fulfilled, be increased by the pension authority by an amount not exceeding the limits laid down in the Schedule to this Act.

(2) The pensioners to whom this section applies are pensioners who at the date of the passing of this Act are in receipt of pensions granted before the fourth day of August, nineteen hundred and fourteen, and, subject to the limitations laid down in Part II. of the Schedule to this Act, pensions granted on and after that date—

(a) under the Superannuation Acts, 1854 to 1914;

(b) under the Elementary School Teachers' (Superannuation) Acts, 1898 to 1912, or under the code of regulations for public elementary schools, or under the Education (Scotland) Act, 1908 [8 Ed. 7, c. 63];

(c) under the National School Teachers' (Ireland) Act, 1879 [42 & 43 Vict. c. 74];

(d) under the enactments relating to the pay and pensions of the Royal Irish Constabulary and the Dublin Metropolitan Police.

(3) The increase shall have effect as from the first day of April, nineteen hundred and twenty.

**2. Statutory conditions for increase of pension.**—The statutory conditions for the increase of pensions under this Act are :—

(1) The pensioner must reside in the British Islands;

(2) The pensioner must have attained the age of sixty years, or have retired on account of physical or mental infirmity, or, in the case of a pensioner who is a widow and is in receipt of a pension payable in respect of the services of her deceased husband, must have attained the age of forty years;

(3) The pensioner must satisfy the pension authority that his means, including his pension, are less than one hundred and fifty pounds a year, if unmarried, or two hundred pounds a year, if married.

**3. Application to pensioners of police, local, and public authorities.**—The Treasury, after consultation with the appropriate Government departments, may, by order, authorize the application of the foregoing provisions of this Act, including the Schedule therein referred to, to pensioners in receipt of pensions granted by any police, local, or other public authority, and thereupon such police, local, or other public authority shall apply such provision to pensions granted by them.

**4. Regulations.**—The Treasury may make regulations for carrying this Act into effect, and in particular—

(a) for prescribing the evidence required as to the fulfilment of the statutory conditions and for defining the meaning of residence for the purposes of this Act; and

(b) for prescribing the manner in which the claims for increases of pensions may be made and the procedure to be followed for the consideration and determination of claims; and

(c) for prescribing the manner in which the means of a person are to be calculated for the purposes of this Act.

Provided that, in making regulations affecting pensioners in receipt of pensions from police, local, or other public authorities, the Treasury shall act in consultation with the appropriate Government department.

**5. Penalty for false statements, &c.**—If for the purpose of obtaining or continuing an increase of pension—

(a) under this Act; or

(b) under any Order in Council or Royal Warrant providing for the grant of corresponding benefits to naval or military pensioners,

either for himself or for any other person, or for the purpose of obtaining or continuing such increase at a higher rate than that appropriate to the case, any person knowingly makes a false statement or false representation, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months, and, in the case of a pensioner, to forfeit any pension or increase of pension payable to him.

**6. Provisions as to special Greenwich Hospital pensions.**—Any increase in a pension granted under any Order in Council for the grant of such corresponding benefits as aforesaid to naval or military pensioners shall not be taken into account in determining the amount of, or eligibility for, a special Greenwich Hospital pension under section five of the Greenwich Hospital Act, 1869 [32 & 33 Vict. c. 44], as amended by section four of the Greenwich Hospital Act, 1898 [61 & 62 Vict. c. 21].

**7. Interpretation.**—(1) For the purposes of this Act—

The expression "pension authority" means the Treasury or other authority by whom a pension is granted.

The expression "married person" includes a widower or widow with one or more children under sixteen years of age dependent on him or her, and the expression "unmarried person" includes a widower or widow having no such children.

The expression "means" in the case of a married person includes the means of both husband and wife.



The expression "naval or military pensioner" means a person formerly in the naval or military service of the Crown who is in receipt of a pension in respect of such service, or the widow of such a person who is in receipt of a pension in respect of the naval or military service of her deceased husband.

The expression "prescribed" means prescribed by regulations under this Act.

(2) This Act shall not apply to any pension or part of a pension which has been commuted.

8. *Short Title.*—This Act may be cited as the Pensions (Increase) Act, 1920.

#### SCHEDULE.

##### PART I.

*Limitations on the Amount of Increase of Pensions.*

[Sections 1 and 3.]

1. Where the existing pension does not exceed £50 a year } it may be increased by 50 per cent.

Where the existing pension exceeds £50 a year, but does not exceed £100 a year in the case of an unmarried person or £130 a year in the case of a married person } it may be increased by 40 per cent.

Where the existing pension exceeds £100 a year, but is less than £150 a year in the case of an unmarried person, or exceeds £130 a year, but is less than £200 a year in the case of a married person } it may be increased by 30 per cent.

Provided that—

(i) if the amount to which a pension may be increased under the above scale is less than the amount to which a smaller pension might be increased, it may be increased to the latter amount;

(ii) no pension shall be increased by an amount greater than is sufficient to bring the total means of the pensioner, including the increased pension up to £150 a year in the case of an unmarried person, or £200 a year in the case of a married person.

2. Where a pensioner is in receipt of two pensions to which section one of this Act applies or of one such pension and of a pension as a naval or military pensioner, such pensions shall, for the purposes of the above scale, be treated as one pension of an amount equal to the aggregate amount of the two pensions.

3. Where before the passing of this Act a pension has, since the grant thereof, been increased, the increase authorized under this Act shall be calculated on the original amount of the pension, and the amount by which it may be increased under this Act shall be reduced by the amount of the increase so previously granted.

##### PART II.

*Additional Limitation on Increase of Pensions granted after the 4th Day of August, 1914.*

3. Where an existing pension granted on or after the 4th day of August, 1914, is larger than a pre-war pension by reason of an improvement in the pension scale or an increase in the pensionable emoluments made since that date, the pension shall not be increased under this Act by an amount greater than is sufficient to make the increased pension equal to the amount to which the pre-war pension might have been increased under Part I. of this Schedule.

#### CHAPTER 37.

##### TELEGRAPH (MONEY) ACT, 1920.

An Act to provide for raising further money for the purpose of the Telegraph Acts, 1863 to 1916, and to amend section four of the Telegraph (Money) Act, 1876. [16th August, 1920.]

#### CHAPTER 38.

##### RESIDENT MAGISTRATES (IRELAND) ACT, 1920.

An Act to amend the Law relating to the Salaries and Allowances of Resident Magistrates in Ireland. [16th August, 1920.]

#### CHAPTER 39.

##### MERCHANT SHIPPING (SCOTTISH FISHING BOATS) ACT, 1920.

An Act to provide for the extension to Scotland of Part IV. of the Merchant Shipping Act, 1894. [16th August, 1920.]

#### CHAPTER 40.

##### POST OFFICE TELEGRAPH ACT, 1920.

An Act to amend the Law with respect to the statutory limits on Postal and Telegraph Rates, and with respect to the remuneration to be paid to railway companies for the conveyance of Postal Parcels, and otherwise to amend the Post Office Acts, 1908 to 1915. [16th August, 1920.]

#### CHAPTER 41.

##### CENSUS ACT, 1920.

An Act to make provision for the taking from time to time of a Census for Great Britain or any area therein and for otherwise obtaining Statistical Information with respect to the Population of Great Britain. [16th August, 1920.]

Be it enacted, &c. :—

1. *Power to direct taking of census.*—(1) Subject to the provisions of this Act, it shall be lawful for His Majesty by Order in Council from time to time to direct that a census shall be taken for Great Britain, or for any part of Great Britain, and any Order under this section may prescribe—

(a) the date on which the census is to be taken; and

(b) the persons by whom and with respect to whom the returns for the purpose of the census are to be made; and

(c) the particulars to be stated in the returns:

Provided that—

(i) an Order shall not be made under this section so as to require a census to be taken in any part of Great Britain in any year unless at the commencement of that year at least five years have elapsed since the commencement of the year in which a census was last taken in that part of Great Britain; and

(ii) no particulars shall be required to be stated other than particulars with respect to such matters as are mentioned in the Schedule to this Act.

2. Before any Order in Council is made under this section, a draft thereof shall be laid before each House of Parliament for a period of not less than twenty days on which that House has sat, and, if either House before the expiration of that period presents an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new draft Order: Provided that, if by part of any such Order it is proposed to prescribe any particulars with respect to any of the matters mentioned in paragraph six of the Schedule to this Act, that part of the Order shall not have effect unless both Houses by resolution approve that part of the draft, or, if any modifications in that part are agreed to by both Houses, except as so modified.

(3) Any Order in Council made under this section may be revoked, amended or varied by a subsequent Order.

2. *Duty of Registrar-General to carry out census, and provision for expenses.*—(1) It shall be the duty of the Registrar-General to make such arrangements and do all such things as are necessary for the taking of a census in accordance with the provisions of this Act and of any Order in Council or regulations made thereunder, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instructions, and for the collection of the forms when filled up.

(2) The Registrar-General in the exercise of his powers and in the performance of his duties under this Act or under any Order in Council or regulations made thereunder, shall be subject to the control of, and comply with any directions given by, the Minister of Health.

(3) Any expenses incurred with the sanction of the Treasury by the Minister of Health or the Registrar-General in connection with the taking of a census or otherwise in connection with the exercise of his powers or the performance of his duties under this Act shall be defrayed out of moneys provided by Parliament.

3. *Regulations with respect to proceedings for taking census.*—(1) For the purpose of enabling any Order in Council directing a census to be taken to be carried into effect, the Minister of Health may make regulations—

(a) providing for the division of the country into districts for the purpose of the census and the appointment of persons to act in those districts in connection with the census;

(b) requiring superintendent registrars, registrars, overseers and assistant overseers of the poor, relieving officers for poor law unions, collectors of the poor rate, and such other persons as may be employed for the purpose of the census, to perform such duties in connection with the taking of the census as may be prescribed;

(c) requiring persons employed for the purpose of the census to make a statutory declaration with respect to the performance of their duties, and authorizing any superintendent registrar or registrar to take such a declaration;

(d) requiring the chief officers of public or charitable institutions, or of any other institutions prescribed by the regulations, to make returns with respect to the inmates thereof;

(e) requiring information to be given to the persons liable to make returns by the persons with respect to whom the returns are to be made;



- (f) with respect to the forms to be used in the taking of a census;  
(g) making provision with respect to any other matters with respect to which it is necessary to make provision for the purpose of carrying into effect the provisions of the Order in Council.

(2) Every regulation made under this section shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an address is presented to His Majesty by either House within the next subsequent twenty days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, and it shall thenceforth be void, but without prejudice to the validity of anything done thereunder.

4. *Preparation of reports and abstracts.*—(1) The Registrar-General shall, as soon as may be after the taking of a census, prepare reports on the census returns, and every such report shall be printed and laid before both Houses of Parliament.

(2) The Registrar-General may, if he so thinks fit, at the request and cost of any local authority or person, cause abstracts to be prepared containing any such statistical information, being information which is not contained in the reports made by him under this section, and which in his opinion it is reasonable for that authority or person to require, as can be derived from the census returns.

5. *Preparation of statistics in respect of periods between one census and another.*—It shall be the duty of the Registrar-General from time to time to collect and publish any available statistical information with respect to the number and condition of the population in the interval between one census and another, and otherwise to further the supply and provide for the better co-ordination of such information, and the Registrar-General may make arrangements with any Government Department or local authority for the purpose of acquiring any materials or information necessary for the purpose aforesaid.

6. *Provision with respect to local census.*—(1) If an application is made to the Minister of Health by a local authority to which this section applies asking that a census may be taken for the whole or any part of the area of the authority, or for an area consisting of the whole or any part of that area and of the whole or any part of an adjoining area, the Minister may, if he thinks fit, submit the application to His Majesty, and His Majesty may by Order in Council, if it appears to His Majesty expedient so to do for the purpose of facilitating the due performance by the local authority of its statutory duties, direct that a census shall be taken for the area specified in the application, or for any part of that area.

(2) The provisions of this Act with respect to the taking of a census for Great Britain (other than the provision with respect to the interval between one census and another) shall, subject to such exceptions, modifications and adaptations as may be specified in the Order, apply to the taking of a census under this section.

(3) The local authorities to which this section applies are the common council of the City of London, metropolitan borough councils, the councils of counties, the councils of boroughs, and urban district councils:

Provided that, without prejudice to the power of any other authority being a local authority to which this section applies to make an application under this section, an application may be made by the council of a county and an order may be made under this section with respect to the whole of the area of the council, including the areas of any authorities which are local authorities for the purposes of this section.

7. *Expenses of local authorities.*—Any expenses incurred in connection with the taking of a census under this Act in pursuance of an application made by a local authority, including the publication of any reports or returns relating to the census, shall be paid by the local authority by which the application for the census was made, and any expenses so incurred, and any other expenses incurred by a local authority under this Act, shall be defrayed in the case of the common council of the City of London and a metropolitan borough out of the general rate, in the case of a county council as expenses for general county purposes, and in the case of other councils as expenses incurred in the administration of the Public Health Acts, 1875 to 1908.

8. *Penalties.*—(1) If any person—

(a) refuses or neglects to comply with or acts in contravention of any of the provisions of this Act or any Order in Council or regulations made under this Act; or

(b) being a person required under this Act to make a statutory declaration with respect to the performance of his duties makes a false declaration; or

(c) being a person required by any Order in Council or regulations made under this Act to make, sign, or deliver any document, makes, signs, or delivers, or causes to be made, signed, or delivered a false document; or

(d) being a person required in pursuance of any such Order in Council or regulations to answer any question refuses to answer or gives a false answer to that question;

he shall for each offence be liable on summary conviction to a fine not exceeding ten pounds.

(2) If any person—

(a) being a person employed in taking a census, without lawful authority publishes or communicates to any person otherwise than in the ordinary course of such employment any information acquired by him in the course of his employment; or

(b) having possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or communicates that information to any other person;

he shall be guilty of a misdemeanor, and shall on conviction be liable to imprisonment with or without hard labour for a term not exceeding two years or to a fine, or to both such imprisonment and fine.

9. *Application to Scotland.*—In the application of this Act to Scotland—

(1) The Secretary for Scotland shall be substituted for the Minister of Health and the Registrar-General for Scotland shall be substituted for the Registrar-General;

(2) The local authorities to which the section of this Act relating to the taking of a local census applies shall be the councils of counties and burghs, and any expenses incurred by such councils under this Act shall be defrayed in the case of a county council out of the general purposes rate, and in the case of a town council out of the burgh general improvement assessment or any other assessment leviable in equal proportions on owners and occupiers, provided that the ratepayers of a police burgh shall not be assessed by the county council for any such expenses;

(3) Sheriffs, sheriff clerks, chief magistrates, county clerks, town clerks, inspectors of poor, and assistant inspectors of poor, shall, in connection with the taking of a census, perform such duties as may be prescribed by regulations made under this Act.

10. *Short title and extent.*—(1) This Act may be cited as the Census Act, 1920.

(2) This Act shall not extend to Ireland.

#### SCHEDULE.

##### Section 1.

*Matters in respect of which Particulars may be required.*

- Names, sex, age.
- Occupation, profession, trade or employment.
- Nationality, birthplace, race, language.
- Place of abode and character of dwelling.
- Condition as to marriage, relation to head of family, issue born in marriage.
- Any other matters with respect to which it is desirable to obtain statistical information with a view to ascertaining the social or civil condition of the population.

#### CHAPTER 42.

##### CENSUS (IRELAND) ACT, 1920.

An Act for taking the Census for Ireland in the year nineteen hundred and twenty one.

[16th August, 1920.]

#### CHAPTER 43.

##### FIREARMS ACT, 1920.

An Act to amend the Law relating to Firearms and other Weapons and Ammunition, and to amend the Unlawful Drilling Act, 1819.

[16th August 1920.]

Be it enacted, &c. :—

1. *Restriction on purchase, possession, and use of firearms.*—(1) A person shall not purchase, have in his possession, use, or carry any firearm or ammunition unless he holds a certificate (in this Act called a firearm certificate) granted under this section, and in force at the time.

(2) A firearm certificate shall be granted by the chief officer of police of the district in which the applicant for the certificate resides, if he is satisfied that the applicant is a person who has a good reason for requiring such a certificate and can be permitted to have in his possession, use, and carry a firearm or ammunition without danger to the public safety or to the peace, and on payment of the prescribed fee:

Provided that—

(a) a firearm certificate shall not be granted to a person whom the chief officer of police has reason to believe to be a person who by this Act is prohibited from possessing, using, or carrying a firearm, or to be a person of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with firearms; and

(b) a firearm certificate in respect of firearms or ammunition to be used solely for target practice or drill by the members of a rifle club or cadet corps approved for the purpose by a Secretary of State may be granted to any responsible officer of the club or corps without payment of any fee.

(3) A firearm certificate shall be in the prescribed form and shall specify the nature and number of the firearms to which it relates, and, as respects ammunition, the quantities authorized to be purchased and to be held at any one time thereunder, and the certificate may on the application of the holder thereof be varied from time to time by the chief officer of police of the district in which the holder for the time resides.

(4) Any person aggrieved by a refusal of a chief officer of police to grant him a firearm certificate, or to vary such a certificate, may appeal in accordance with rules made by the Lord Chancellor to a court of summary jurisdiction acting for the petty sessions division in which the appellant resides.

(5) A firearm certificate shall, unless previously revoked or cancelled, continue in force for three years, but shall be renewable for a further period of three years by the chief officer of police of the district in

which the holder of the certificate resides, and so from time to time; and the provisions of this Act with respect to the grant of a certificate and to appeals from a refusal to grant a certificate shall apply to the renewal of a certificate.

(6) A firearm certificate may be revoked by the chief officer of police of the district in which the holder resides if he is satisfied that the holder thereof is a person who is prohibited by this Act from possessing, using, or carrying a firearm, or is a person of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with firearms, subject, however, to the like right of appeal as in the case of a refusal to grant a firearm certificate.

(7) The fee to be paid on the grant or renewal of a firearm certificate shall be such as is specified in the First Schedule to this Act.

(8) If any person purchases, has in his possession, uses, or carries a firearm or ammunition without holding a firearm certificate or otherwise than as authorized by such a certificate or, in the case of ammunition, in quantities in excess of those so authorized, or fails to comply with any condition subject to which the certificate is granted, he shall be liable in respect of each offence on summary conviction to a fine not exceeding fifty pounds, or to imprisonment, with or without hard labour, for a term not exceeding three months, or to both such imprisonment and fine:

Provided that no offence under this section shall be deemed to be committed—

(a) in the case of any person in the naval, military, or air service of His Majesty, or in a police force, by having in his possession a firearm or ammunition in his capacity as such, or by using or carrying a firearm or ammunition in the performance of his duty as such; or

(b) in the case of any person carrying on the business of gunsmith or dealer in firearms or of testing or proving firearms or ammunition or the servant of such a person, by purchasing or having in his possession, using, or carrying a firearm or ammunition in the ordinary course of such business as aforesaid; or

(c) in the case of any person carrying on the business of common carrier or warehouseman, by having in his possession or carrying a firearm or ammunition in the ordinary course of that business; or

(d) in the case of any person, by having in his possession a firearm or ammunition on board ship as part of the equipment of the ship, so long as the firearm or ammunition is not brought on shore at any place in the United Kingdom or by bringing a firearm ashore for repair provided that he has obtained from an officer of police a permit in the prescribed form for that purpose; or

(e) in the case of any member of a rifle club or miniature rifle club or cadet corps approved by a Secretary of State, by having in his possession, using, or carrying a firearm or ammunition when engaged as such member in, or in connection with, drill or target practice; or

(f) in the case of an officer of the Post Office by having in his possession, using, or carrying a firearm or ammunition when acting in the course of his duties; or

(g) in the case of a person carrying a firearm or ammunition belonging to a person holding a certificate under this Act, by having in his possession such firearm or ammunition under instructions from and for the use of such certificated person for sporting purposes only; or

(h) in the case of any person carrying on the business of butcher, slaughterman, knacker, or other person engaged in the business of the humane slaughter of animals for food or other purposes, by purchasing or having in his possession or using any humane killer for the purpose of such business; or

(i) in the case of any person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise) or shooting gallery at which no firearms are used other than miniature rifles not exceeding .23 calibre, by purchasing, having in his possession, using, or carrying such miniature rifles or ammunition suitable therefor; or, in the case of any person, by using at such miniature rifle range or shooting gallery any such rifle or ammunition; or

(j) in the case of a person who has been refused the grant of a firearm certificate by a chief officer of police or whose firearm certificate has been revoked by having in his possession a firearm or ammunition pending disposal thereof by him, provided that he has obtained from the chief officer of police a permit in the prescribed form for that purpose.

(9) Nothing in this section shall relieve any person using or carrying a firearm from the obligation to take out a gun licence.

**2. Restrictions on manufacture and sale of firearms.**—(1) A person shall not manufacture, sell, repair, test or prove, or expose for sale, or have in his possession for sale, repair, test or prove firearms or ammunition by way of trade or business unless he is registered as a firearms dealer in accordance with this Act.

(2) A pawnbroker shall not take in pawn a firearm or ammunition from any person:

Provided that, where any firearm or ammunition has been taken in pawn before the commencement of this Act, nothing in this Act shall prohibit the redemption thereof by a person entitled to redeem the same if he holds a firearm certificate, or is a registered dealer in firearms, and a sale of any such firearm or ammunition to a person holding such a certificate or to such a dealer may be effected by the pawnbroker, notwithstanding anything in the Pawnbrokers Act, 1872, requiring the sale to be by public auction.

(3) A person shall not sell to any person, other than a registered firearms dealer, any firearm or ammunition, unless the purchaser produces a firearm certificate authorising him to purchase the firearm or ammunition or proves that he is by virtue of this Act entitled to purchase the firearm or ammunition without having such a certificate:

Provided that this subsection shall not apply to the sale of firearms and ammunition to purchasers abroad.

(4) A person shall not undertake the repair, test, or proof of a firearm or ammunition for any person in the United Kingdom other than a registered firearms dealer as such unless that person produces or causes to be produced a firearm certificate authorising him to have possession of the firearm or ammunition or a permit to bring the firearm ashore for repair.

(5) Every person who sells a firearm or ammunition to a person in the United Kingdom other than a registered firearms dealer shall comply with any instructions addressed to the seller contained in the firearm certificate produced, and, in the case of the sale of a firearm, shall, within forty-eight hours from the sale, send by registered post notice of the sale to the chief officer of police by whom the certificate was issued.

(6) Every person who manufactures or sells firearms or ammunition by way of trade or business shall provide and keep a register of transactions, and shall enter or cause to be entered therein the particulars set forth in the Second Schedule to this Act, and every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and in the case of a sale every such person as aforesaid shall at the time of the transaction require the purchaser, if not known to him, to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.

Every such person as aforesaid shall on demand allow any officer of police, duly authorized in writing in that behalf by the chief officer of police, to enter and inspect all stock in hand, and shall, on request—

(a) by any officer of police duly authorized in writing in that behalf by the chief officer of police; or

(b) by an officer of customs and excise; or

(c) in England, by any officer of the county council duly authorized in writing in that behalf,

produce for inspection the register so required to be kept as aforesaid: Provided that, in each case where a written authority is required by this subsection, such authority shall be produced on demand.

(7) If any person acts in contravention of, or fails to comply with, any of the provisions of this section, or knowingly makes any false entry in the book required to be kept under this section, or, with a view to purchasing a firearm or ammunition, produces a false firearm certificate, or personates a person to whom a firearm certificate has been issued, he shall be liable on summary conviction in respect of each offence to imprisonment with or without hard labour for a term not exceeding three months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(8) This section shall be in addition to and not in derogation of any provisions of this or any other Act which prohibit or restrict the sale of firearms and ammunition.

**3. Restriction on purchase, possession, and use of firearms by persons under fourteen.**—(1) A person under the age of fourteen years shall not purchase, have in his possession, use, or carry a firearm or ammunition, and a person shall not sell a firearm or ammunition to any person whom he knows, or has reasonable ground for believing, to be under the age of fourteen years.

(2) If any person acts in contravention of this section, he shall be liable in respect of each offence on summary conviction to a fine not exceeding twenty pounds or to imprisonment with or without hard labour for a term not exceeding three months, or to both such imprisonment and fine, but no offence shall be deemed to be committed by any person under this provision by having in his possession, using, or carrying a firearm or ammunition in circumstances in which an offence would not be deemed to be committed by him by having in his possession, using, or carrying a firearm or ammunition without a firearm certificate.

**4. Prohibition of sale of firearms to drunk or insane persons.**—(1) A person shall not sell a firearm or ammunition to, or repair, prove, or test a firearm or ammunition for, any person whom he knows, or has reasonable ground for believing, to be drunk or of unsound mind.

(2) If any person acts in contravention of this section, he shall be liable in respect of each offence, on summary conviction, to a fine not exceeding twenty pounds, or to imprisonment with or without hard labour for a term not exceeding three months.

**5. Prohibition on persons convicted of crime carrying or purchasing firearms.**—(1) A person who has been sentenced to penal servitude or to imprisonment for a term of three months or upwards for any crime shall not, at any time during a period of five years from the date of his release, and a person who is the holder of a licence under the Penal Servitude Acts, 1853 to 1891, or the Prevention of Crime Act, 1903 (8 Ed. 7, c. 59), or is subject to the supervision of the police, or is subject to a recognizance to keep the peace or to be of good behaviour, a condition of which is that the offender shall not possess, use, or carry a firearm, shall not, at any time during which he holds the licence or is so subject, have in his possession, use, or carry a firearm or ammunition; and no person shall sell a firearm or ammunition to, or repair, test, or prove a firearm or ammunition for any person whom he knows, or has reasonable ground for believing, to be a person prohibited by this section from having in his possession, using, or carrying a firearm or ammunition.



(2) If any person acts in contravention of this section, he shall be liable in respect of each offence, on summary conviction, to a fine not exceeding twenty pounds, or to imprisonment with or without hard labour for a term not exceeding three months.

**6. Prohibition of manufacture, &c., of weapons discharging noxious liquids, &c.**—(1) It shall not be lawful for any person without the authority of the Admiralty or the Army Council or the Air Council to manufacture, sell, purchase, carry, or have in his possession any weapon, of whatever description, designed for the discharge of any noxious liquid, gas, or other thing, or any ammunition containing or designed or adapted to contain any such noxious thing, and such a weapon is in this Act referred to as a prohibited weapon.

(2) If any person contravenes the provisions of this section, he shall be guilty of a misdemeanour, and be liable on conviction on indictment to imprisonment with or without hard labour for a term not exceeding two years, or on summary conviction to imprisonment with or without hard labour for a term not exceeding three months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

**7. Penalty on possession of firearms with intent to injure.**—Any person who has in his possession or under his control any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property, shall, whether any injury to person or property has been caused or not, be deemed to have been guilty of an offence under section three of the Explosive Substances Act, 1883 [46 & 47 Vict., c. 3], and the provisions of that Act shall apply accordingly.

**8. Registration of persons manufacturing or selling firearms.**—(1) The chief officer of police of every police district shall keep a register for the purposes of this Act, in the form prescribed by the Secretary of State, of persons manufacturing, selling, repairing, testing or proving firearms or ammunition by way of trade or business (in this Act referred to as firearms dealers), and shall register therein any person who, having a place of business in his district, applies to be registered as a firearms dealer, and furnishes him with such particulars as may for the time being be prescribed, and pays a fee of one pound, unless that person is prohibited under this Act from being so registered:

Provided that, if the chief officer of police is satisfied that any applicant cannot be permitted to carry on business as a dealer in firearms without danger to the public safety or to the peace, he may refuse to register that person.

(2) The chief officer of police shall furnish, or cause to be furnished, to any person who is registered under this section a certificate of registration.

(3) If any person desires to have his name removed from the register, or if the chief officer of police, after giving reasonable notice to any person whose name is on the register, is satisfied that that person is no longer carrying on business as a firearms dealer, or has ceased to have a place of business in the police district, or cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace, he shall cause the name of that person to be removed from the register.

(4) Any person aggrieved by a refusal of a chief officer of police to register him as a firearms dealer, or by the removal of his name from the register by a chief officer of police, may appeal, in accordance with rules made by the Lord Chancellor, to a court of summary jurisdiction acting for the petty sessional division in which the place of business in question is situated.

(5) Where a registered firearms dealer is convicted of an offence under this Act, or of an offence against the enactments relating to Customs in respect of the import or export of firearms or ammunition, the court may order—

(a) that the name of the registered firearms dealer be removed from the register; and

(b) that neither the dealer nor any person who acquires the business of that dealer, nor any person who took part in the management of the business, and was knowingly a party to the offence, shall be registered as a firearms dealer; and

(c) that any person who, after the date of the order, knowingly employs in the management of his business the dealer convicted of the offence, or any person who was knowingly a party to the offence, shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and

(d) that any stock in hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order:

Provided that, where an order has been made under this section, any person aggrieved by the order may appeal against the order in manner provided by the Summary Jurisdiction Acts to a court of quarter sessions.

**9. Power to prohibit removals of firearms and ammunition.**—(1) A Secretary of State may by order prohibit the removal of any firearms or ammunition from one place to another in the United Kingdom or for export, unless such removal is authorized by the chief officer of police of the district from which they are to be removed, and unless such other conditions as may be specified in the order are complied with.

(2) Any such order may apply—

(a) either generally to all such removals, or to removals from and to any particular localities specified in the order; and

(b) either to all firearms and ammunition or to firearms and

ammunition of such classes and descriptions as may be so specified; and

(c) either to all modes of conveyance or to such modes of conveyance as may be so specified:

Provided that no such order shall prohibit the holder of a firearm certificate from carrying with him any firearms or ammunition authorized by the certificate to be so carried.

(3) Any officer of police may search for and seize any firearms or ammunition which he has reason to believe are being removed or to have been removed from one place to another or for export in contravention of any such order as aforesaid, and any person having the control or custody of any firearms or ammunition in course of transit shall, on demand by a police constable, allow him all reasonable facilities for the examination and inspection thereof, and shall produce to him any documents in his possession relating thereto.

(4) If any person is guilty of a contravention of any of the provisions of this section, he shall, on summary conviction, be liable to a fine not exceeding twenty pounds for each firearm or parcel of ammunition in respect of which the offence is committed, or to imprisonment with or without hard labour for a term not exceeding three months, or to both such imprisonment and fine; and if the offender is the owner of the firearms or ammunition, the court before whom he is convicted may make such an order as to the forfeiture of the firearms or ammunition as the court think fit.

**10. Production of firearm certificates.**—(1) Any constable may demand from any person whom he believes to be in possession of, or to be using or carrying, a firearm or ammunition (except in circumstances where possessing, using, or carrying a firearm or ammunition without a firearm certificate does not constitute an offence) the production of his firearm certificate.

(2) If any person upon whom a demand is so made fails to produce the certificate, or to permit the constable to read the certificate, or to shew that he is a person who is exempted under section one, subsection (8), of this Act from the necessity of having a certificate, the constable may seize and detain the firearm or ammunition, and may require that person to declare to him immediately his name and address.

(3) If any person refuses so to declare his name and address, or fails to give his true name and address, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and the constable may apprehend without warrant any person who refuses so to declare his name or address, or whom he suspects of giving a false name or address, or of intending to abscond.

**11. Provisions as to forfeiture of firearms, cancellation of certificates, and search warrants.**—(1) Where any person is convicted of an offence under this Act, or is convicted of any crime for which he is sentenced to penal servitude or imprisonment, or where a person has been ordered to be subject to police supervision or to enter into a recognizance to keep the peace or to be of good behaviour, a condition of which is that the offender shall not possess, use, or carry a firearm, the court before whom he is convicted or by whom the order is made may make such order as to the forfeiture or disposal of any firearm, prohibited weapon, or ammunition found in his possession, or used or carried by him, as the court think fit, and may cancel any firearm certificate held by the person convicted.

Where the court cancel a firearm certificate under this section, they shall cause notice to be sent to the chief officer of police by whom the certificate was granted.

(2) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be committed, he may grant a search warrant authorizing any constable named therein to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize and detain any firearm, prohibited weapon, or ammunition which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting that an offence under this Act has been, is being, or is about to be committed, and, if the premises are those of a registered firearms dealer, to examine any books relating to the business.

(3) The constable making the search may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence against this Act.

(4) A court of summary jurisdiction may, on the application of the chief officer of police, order any firearm, prohibited weapon, or ammunition seized and detained by a police constable under this Act to be destroyed or otherwise disposed of.

**12. Interpretation.**—(1) In this Act, unless the context otherwise requires—

The expression "firearm" means any lethal firearm or other weapon of any description from which any shot, bullet, or other missile can be discharged, or any part thereof, and the expression "ammunition" means ammunition for any such firearms, and includes grenades, bombs, and other similar missiles, whether such missiles are capable of use with a firearm or not, and ingredients and components thereof:

Provided that a smooth bore shot-gun or air-gun or air-rifle (other than air-guns and air-rifles of a type declared by rules made by a Secretary of State under this Act to be specially dangerous) and ammunition therefor shall not in Great Britain be deemed to be a firearm and ammunition for the purpose of the provisions of



this Act other than those relating to the removal of firearms and ammunition from one place to another or for export:

The expression "offence under this Act" includes any act, omission, or other thing which is punishable under this Act:

The expression "gun licence" means a licence to use or carry a gun granted under the Gun Licence Act, 1870 [33 & 34 Vict. c. 57.], and any reference to a gun licence shall include a reference to a licence or certificate to kill game taken out under the law with respect to such a licence or certificate:

The expression "police district" means any district for which there is a separate police force, and the expression "the chief officer of police" has the meaning assigned to it by the Police Act, 1890 [53 & 54 Vict. c. 45], and with respect to the City of London means the Commissioner of the City Police.

(2) The provisions of this Act as to selling and purchasing shall apply to letting on hire, giving, lending, transferring and parting with possession, and to hiring, accepting and borrowing, in the same manner as they apply to selling and to purchasing, and the expressions "seller" and "purchaser" shall be construed accordingly.

13. *Savings.*—(1) Nothing in this Act relating to firearms shall apply to an antique firearm which is sold, bought, carried, or possessed as a curiosity or ornament.

(2) The provisions of this Act as to the possession of firearms without a firearm certificate shall not apply to firearms which are possessed as trophies of the present or any former war, if the owner thereof has given notice of the fact in the prescribed form to the chief officer of police of the district in which he resides, and the chief officer has signified that a certificate in respect thereof can be dispensed with, which dispensation shall be granted unless the chief officer is of opinion that the owner is not a person to whom a firearm certificate would be granted:

Provided that such firearms possessed as trophies shall not be used or carried, and that no ammunition therefor may be purchased.

(3) The provisions of this Act relating to ammunition shall be in addition to and not in derogation of any enactment relating to the keeping and sale of explosives.

14. *Saving for the Mystery of Gunmakers.*—Nothing in this Act contained shall apply to the proof houses of the Master, Wardens, and Society of the Mystery of Gunmakers of the City of London and the guardians of the Birmingham proof house or the rifle range at Small Heath, near Birmingham, where firearms are sighted and tested, so as to interfere in any way with the operations of those two companies in proving firearms under the provisions of the Gun Barrel Proof Act, 1868 [31 & 32 Vict. c. cxi.], or any other Acts for the time being in force, or to any person carrying firearms to or from any such proof house when being taken to such proof house for the purposes of proof or being removed therefrom after proof.

15. *Power to Secretary of State to make rules.*

16. *Amendment of 60 Geo. 3 and 1 Geo. 4, c. 1.*—The power under the Unlawful Drilling Act, 1819, of authorizing meetings and assemblies of persons for the purpose of training and drilling themselves, or of being trained and drilled to the use of arms, or for the purpose of practising military exercises, manoeuvres, or evolutions, shall be exercisable by a Secretary of State, or any officer deputed by him for the purpose, instead of by the lieutenant or two justices of the peace of a county.

17. *Application to Scotland.*

18. *Application to Ireland.*

19. *Short title, repeal, and commencement.*—(1) This Act may be cited as the Firearms Act, 1920.

(2) The Pistols Act, 1903, is hereby repealed.

(3) This Act shall come into operation on the first day of September, nineteen hundred and twenty [3 Ed. 7, c. 18]:

Provided that a Secretary of State may, as respects any of the provisions of this Act, by order, substitute some subsequent date or dates, not being later than the first day of December, nineteen hundred and twenty, as the date or dates on which those provisions are to come into operation.

#### SCHEDULES [2].

#### CHAPTER 44.

#### FERTILISERS (TEMPORARY CONTROL OF EXPORT) ACT, 1920.

An Act to control temporarily the Exportation of certain Fertilisers.  
[16th August, 1920.]

#### CHAPTER 45.

#### PUBLIC LIBRARIES (SCOTLAND) ACT, 1920.

An Act to amend the Public Libraries Consolidation (Scotland) Act, 1887.  
[16th August, 1920.]

#### CHAPTER 46.

#### DANGEROUS DRUGS ACT, 1920.

An Act to regulate the Importation, Exportation, Manufacture, Sale and Use of Opium and other Dangerous Drugs.

[16th August, 1920.]

#### PART I.

##### RAW OPIUM.

1. *Restriction on importation of raw opium.*—It shall not be lawful for any person to import or bring into the United Kingdom any raw opium except under licence and into approved ports.

2. *Restriction on exportation of raw opium.*—(1) It shall not be lawful for any person to export from the United Kingdom any raw opium except under licence and from approved ports and except in packages marked in the prescribed manner with an indication of the contents thereof.

(2) If at any time the importation of raw opium into a foreign country is prohibited or restricted by the laws of that country, there shall, while that prohibition or restriction is in force, be attached to every licence which is issued by a Secretary of State under this Act authorizing the export of raw opium from the United Kingdom, such conditions as appear to him necessary for preventing or restricting, as the case may be, the exportation of raw opium from the United Kingdom to that country during such time as the importation of raw opium into that country is so prohibited or restricted, and any such licences issued before the prohibition or restriction came into force shall, if a Secretary of State by order so directs, be deemed to be subject to the like conditions.

3. *Power to regulate the production of and dealing in raw opium.*—Provision may be made by regulations for controlling or restricting the production, possession, sale and distribution of raw opium, and in particular, but without prejudice to the generality of the foregoing power, for prohibiting the production, possession, sale or distribution of raw opium except by persons licensed or otherwise authorized in that behalf.

#### PART II.

##### PREPARED OPIUM.

4. *Prohibition of exportation or importation of prepared opium.*—It shall not be lawful for any person to import or bring into, or to export from, the United Kingdom any prepared opium.

5. *Penalty for manufacturing, selling, using, &c., prepared opium.*—If any person—

(a) manufactures, sells or otherwise deals in prepared opium; or

(b) has in his possession any prepared opium; or

(c) being the occupier of any premises permits those premises to be used for the purpose of the preparation of opium for smoking or the sale or smoking of prepared opium; or

(d) is concerned in the management of any premises used for any such purpose as aforesaid; or

(e) has in his possession any pipes or other utensils for use in connection with the smoking of opium or any utensils used in connection with the preparation of opium for smoking; or

(f) smokes or otherwise uses prepared opium, or frequents any place used for the purpose of opium smoking; he shall be guilty of an offence against this Act.

#### PART III.

##### COCAINE, MORPHINE, &c.

6. *Restriction on import and export of cocaine, &c.*—It shall not be lawful to import or bring into, or to export from, the United Kingdom any drug to which this Part of this Act applies except under licence.

7. *Control of manufacture and sale of cocaine, &c.*—(1) For the purpose of preventing the improper use of the drugs to which this Part of this Act applies, provision may be made by regulations for controlling the manufacture, sale, possession and distribution of those drugs, and in particular, but without prejudice to the generality of the foregoing power, for—

(a) prohibiting the manufacture of any drug to which this Part of this Act applies except on premises licensed for the purpose and subject to any conditions specified in the licence; and

(b) prohibiting the manufacture, sale or distribution of any such drug except by persons licensed or otherwise authorized under the regulations and subject to any conditions specified in the licence or authority; and

(c) regulating the issue by medical practitioners of prescriptions containing any such drug and the dispensing of any such prescriptions; and

(d) requiring persons engaged in the manufacture, sale or distribution of any such drug to keep such books and furnish such information either in writing or otherwise as may be prescribed.

(2) The regulations under this section shall provide for authorizing any person who lawfully keeps open shop for the retailing of poisons in accordance with the provisions of the Pharmacy Act, 1868 [31 & 32 Vict. c. 121], as amended by the Poisons and Pharmacy Act, 1908 [8 Ed. 7, c. 55].—

(a) to manufacture at the shop in the ordinary course of his retail business any preparation, admixture, or extract of any drug to which this Part of this Act applies; or

(b) to carry on at the shop the business of retailing, dispensing, or compounding any such drug;

subject to the power of the Secretary of State to withdraw the authorization in the case of a person who has been convicted of an offence against this Act or of an offence under the enactments relating to the customs as applied by this Act, and who cannot, in the opinion of the Secretary of State, properly be allowed to carry on the business

of manufacturing or selling or distributing, as the case may be, any such drug:

Provided that the Secretary of State shall, before withdrawing the authorization in the case of any such person, consult the Council of the Pharmaceutical Society of Great Britain.

(3) Nothing in any regulations made under this section shall be taken to authorize the sale, or the keeping of an open shop for the retailing, dispensing, or compounding of, poisons by any person who is not qualified in that behalf under, or otherwise than in accordance with, the provisions of the Pharmacy Act, 1868, as amended by the Poisons and Pharmacy Act, 1908, or to be in derogation of the provisions of the Pharmacy Act, 1868, as so amended, for prohibiting, restricting or regulating the sale of poisons.

**8. Drugs to which Part III applies.**—The drugs to which this Part of this Act applies are morphine, cocaine, ecgonine, and diamorphine (commonly known as heroin), and their respective salts, and medicinal opium, and any preparation, admixture, extract, or other substances containing not less than one-fifth per cent. of morphine or one-tenth per cent. of cocaine, ecgonine or diamorphine.

For the purpose of the foregoing provision, the percentage in the case of morphine shall be calculated as in respect of anhydrous morphine.

(2) If it appears to His Majesty that any new derivative of morphine or cocaine or of any salts of morphine or cocaine or any other alkaloid of opium or any other drug of whatever kind is or is likely to be productive, if improperly used, of ill effects substantially of the same character or nature as or analogous to those produced by morphine or cocaine, His Majesty may by Order in Council declare that this Part of this Act shall apply to that new derivative or alkaloid or other drug in the same manner as it applies to the drugs mentioned in sub-section (1) of this section.

#### PART IV.

##### GENERAL.

**9. Application of Customs Acts.**—(1) Articles prohibited to be imported by virtue of this Act shall be deemed to be included among the goods enumerated and described in the table of prohibitions and restrictions inwards contained in section forty-two of the Customs Consolidation Act, 1876 [39 & 40 Vict. c. 36], and the provisions of this Act relating to the prohibition of the export of articles shall have effect as though they were included in that Act, and the provisions of that Act and of any Act amending or extending that Act shall apply accordingly.

(2) If any goods prohibited to be exported by virtue of this Act are exported from the United Kingdom in contravention thereof, or brought to a quay or other place to be shipped for the purpose of being so exported or of being waterborne to be so exported, the exporter or his agent shall be liable to the same penalty as that to which a person is liable under section one hundred and eighty-six of the Customs Consolidation Act, 1876, for illegally importing prohibited goods.

**10. Powers of inspection.**—(1) Any constable or other person authorized in that behalf by any general or special order of a Secretary of State shall, for the purposes of the execution of this Act, have power to enter the premises of any person carrying on the business of a producer, manufacturer, seller or distributor of any drugs to which this Act applies, and to demand the production of and to inspect any books relating to dealings in any such drugs and to inspect any stocks of any such drugs.

(2) If any person wilfully delays or obstructs any person in the exercise of his powers under this section or fails to produce or conceals or attempts to conceal any such books or stocks as aforesaid, he shall be guilty of an offence against this Act.

**11. Regulations to be laid before Parliament.**—Every regulation made under this Act shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty within twenty-one days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation and it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder.

**12. Licences.**—Licences or authorities for the purposes of this Act may be issued or granted by a Secretary of State and may be issued or granted on such terms and subject to such conditions (including in the case of a licence the payment of a fee) as the Secretary of State thinks proper.

**13. Offences and penalties.**—(1) If any person acts in contravention of or fails to comply with any regulation made under this Act, or acts in contravention of or fails to comply with the conditions of any licence issued or authority granted under or in pursuance of this Act, he shall be guilty of an offence against this Act.

(2) Any person guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment, and in the case of a second or subsequent conviction to a fine not exceeding five hundred pounds, or to imprisonment with or without hard labour for a term not exceeding two years, or to both such fine and imprisonment, and the court dealing with the case may, in addition to any other punishment, order the goods in respect of which the offence was committed to be forfeited.

(3) Any proceedings for an offence against this Act before a court of summary jurisdiction may, notwithstanding any enactment prescribing the time within which such proceedings may be brought, be brought either within the time so prescribed or within three months from the date on which evidence sufficient in the opinion of a Secretary of State to justify a prosecution for the offence comes to his knowledge, whichever is the longer, and, for the purposes of this sub-section, a certificate purporting to be signed by the Secretary of State as to the date on which such evidence as aforesaid comes to his knowledge shall be conclusive evidence thereof.

In the application of this sub-section to Scotland the Lord Advocate, and in the application of this sub-section to Ireland the Attorney-General for Ireland, shall be substituted for a Secretary of State.

**14. Power of arrest.**—Any constable may arrest without warrant any person who has committed, or attempted to commit, or is reasonably suspected by the constable of having committed or attempted to commit, an offence against this Act, if he has reasonable ground for believing that that person will abscond unless arrested, or if the name and address of that person are unknown to and cannot be ascertained by him.

**15. Interpretation.**—(1) In this Act, unless the context otherwise requires—

The expression "raw opium" includes powdered or granulated opium, but does not include medicinal opium;

The expression "prepared opium" means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked;

The expression "medicinal opium" means raw opium which has been artificially dried;

The expression "regulations" means regulations made under this Act by a Secretary of State;

The expression "prescribed" means prescribed by regulations;

The expression "approved ports" means ports approved by the Commissioners of Customs and Excise for the importation or exportation, as the case may be, of raw opium.

(2) For the purposes of this Act, any article shall be deemed to be imported under licence or exported under licence if the importer or exporter, as the case may be, is the holder of a licence issued under this Act authorizing the importation or exportation, as the case may be, of the article and complies with the conditions, if any, of the licence, but not otherwise.

**16. Application to Ireland.**—This Act in its application to Ireland shall have effect subject to the following modifications, namely:—

(a) A reference to the Poisons (Ireland) Act, 1870 [33 & 34 Vict. c. 26], the Pharmacy (Ireland) Act, 1875 [38 & 39 Vict. c. 57], and the Pharmacy (Ireland) Act, 1875 (Amendment), Act, 1890 [53 & 54 Vict. c. 48], shall be substituted for any reference to the Pharmacy Act, 1868; and

(b) A reference to the Pharmaceutical Society of Ireland shall be substituted for the reference to the Pharmaceutical Society of Great Britain.

**17. Short title and commencement.**—(1) This Act may be cited as the Dangerous Drugs Act, 1920.

(2) This Act shall come into operation on the first day of September, nineteen hundred and twenty.

#### CHAPTER 47.

##### MINISTRY OF FOOD (CONTINUANCE) ACT, 1920.

An Act to continue temporarily the office of Food Controller and to make further provision with respect to his powers, and for purposes in connection therewith. (16th August, 1920.)

Be it enacted, &c. :—

**1. Continuation of office of Food Controller.**—(1) Subject to the provisions of this Act, the provisions of the New Ministries and Secretaries Act, 1916 [6 & 7 Geo. 5, c. 68], so far as they relate to the Food Controller or the Ministry of Food, shall, notwithstanding anything in that or any other Act, continue in force until the first day of September, nineteen hundred and twenty-two:

Provided that—

(a) the purposes of the Ministry of Food shall, in lieu of the purposes specified in section three of the New Ministries and Secretaries Act, 1916, or in any other provisions relating to, the purposes for or in relation to which any of the powers of the Food Controller may be exercised, be the maintenance and augmentation of the food supply of the country, and the regulation in the public interest of the treatment, distribution, and prices of food; and

(b) nothing in this section shall be deemed to continue any power of making regulations under the Defence of the Realm (Consolidation) Act, 1914 [5 Geo. 5, c. 8].

(2) The Food Controller shall, after the passing of this Act during the continuance of his office, have and exercise all the powers possessed by him, at the time of the passing of this Act, under the regulations referred to in the Schedule to this Act, which regulations, so far as they relate to the powers of the Food Controller, shall, subject to the limitations set out in that schedule, have effect as though set out in this Act, and shall cease to have effect as regulations made under any enactment relating to the Defence of the Realm.

Any orders made by the Food Controller under any of the said regulations and in force at the date of the passing of this Act shall,



unless or until varied or revoked, continue in force and have effect as if made under the powers conferred by this Act.

(3) His Majesty may by Order in Council provide—

(a) for the transfer of all or any of the powers of the Food Controller under this Act to some other Government Department or Departments if it appears to him that those powers could be more satisfactorily exercised by that Department or those Departments if so transferred; and

(b) for the discontinuance of all or any of the powers of the Food Controller before the date fixed by this Act if it appears to him that the exercise of those powers is no longer necessary; and

(c) on the cessation of the office of Food Controller and the Ministry of Food, for the vesting and transfer in and to any Government Department or Departments of any property, rights, and liabilities held, enjoyed, or incurred by the Food Controller.

(4) The Food Controller may sue and be sued by that name.

**2. Penalties.**—(1) If after the passing of this Act any person is guilty of an offence or a summary offence under any of the regulations specified in the Schedule to this Act or against any order continued by this Act, or that may be made under any of the said regulations, he shall be liable on conviction under the Summary Jurisdiction Acts to imprisonment with or without hard labour for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, and the court by which he is convicted may, in any case, order that any goods or moneys in respect of which the offence has been committed, be forfeited:

Provided that a prosecution for any such offence shall not in England or Ireland be instituted except by or with the consent of the Attorney-General for England or Ireland, as the case may be, or by an officer of the police, or by a person acting under the authority of the Food Controller.

(2) The Defence of the Realm (Food Profits) Act, 1918 (8 & 9 Geo. 5. c. 9), shall continue in force during the continuance of the office of the Food Controller, and shall apply in relation to any order made by the Food Controller in pursuance of his powers for the time being in force.

**3. Power to regulate importation and exportation of food.**—(1) The Food Controller may by order—

(a) prohibit or regulate the export of any article of food where it appears to him necessary for the purpose of maintaining sufficient supplies of the article in the United Kingdom or of stabilising prices, or for the purpose of giving effect to any international arrangements for buying to which His Majesty's Government may be a party; or

(b) prohibit or regulate the export of any article of food where the article or any ingredient thereof is subsidised; or

(c) prohibit or regulate the import of any article of food into the United Kingdom, where it appears to him necessary for the efficient and economical distribution of the article, or for the purpose of facilitating purchases on behalf of His Majesty's Government at reasonable prices or of giving effect to any international arrangement for buying to which His Majesty's Government is a party:

Provided that an order under this section shall as soon as may be after it is made be laid before both Houses of Parliament, and, if an address is presented to His Majesty by either House within the next twenty days on which that House has sat after the order is laid before it praying that the order or any part thereof may be annulled, His Majesty in Council may annul the order or that part thereof, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(2) This section and any order made thereunder shall be construed as one with the Customs (Consolidation) Act, 1876 (39 & 40 Vict. c. 36), and the enactments amending the same, and all the provisions of that Act and those enactments so far as they are applicable to the exportation or importation of prohibited goods shall apply accordingly.

(3) An order under this section may be revoked, varied or added to by a subsequent order.

**4. Powers in relation to hops.**—(1) With a view to assisting the industry of hop growing in the United Kingdom to recover from the injury which it suffered during the war, the Food Controller shall, during the continuance of his office, have and exercise any powers in relation to hops which at the time of the passing of this Act were exercisable by him, and may by order prohibit or regulate the importation of foreign hops in such manner as may appear to him necessary, and the provisions of the last preceding section shall apply to any such order.

(2) An Order under this Act providing for the transfer of the powers of the Food Controller under this section to any other Government Department or Departments may, notwithstanding anything in this Act, provide for the continuance of the power so transferred until the expiration of a period of five years from the passing of this Act, and in such case the provisions of this Act, so far as necessary, shall continue to have effect accordingly.

**5. Expenses.**—Without prejudice to the operation of section ten of the New Ministries and Secretaries Act, 1916 (6 & 7 Geo. 5. c. 68), any expenses of the Ministry of Food or any other Government Department under this Act, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

**6. Short title.**—This Act may be cited as the Ministry of Food (Continuance) Act, 1920.

## SCHEDULE

[Sections 1 and 2.]

## REGULATIONS.

Regulations 2a, 2r to 2j, inclusive, and 233j of the Defence of the Realm Regulations.

## LIMITATIONS.

1. The Food Controller shall not, without the consent in England and Wales of the Minister of Agriculture and Fisheries, in Scotland of the Board of Agriculture for Scotland, or in Ireland of the Department of Agriculture and Technical Instruction for Ireland, make any order for the purpose of encouraging the cultivation of land in any manner, the keeping or breeding of any live stock or poultry, or the production of any farm or dairy produce.

2. Where any articles are requisitioned or acquired after the passing of this Act under the powers of the Food Controller, the compensation to be paid in default of agreement shall in each case be such compensation as may be determined to be reasonable by the arbitration of a single arbitrator appointed for the purpose by the Lord Chief Justice of England in England, by the Lord President of the Court of Session in Scotland, and by the Lord Chancellor in Ireland, and the arbitrator shall not be bound by any provisions contained in any of the said regulations as to the principles on which compensation or price is to be determined.

3. The powers of the Food Controller under Regulations 2a, 2r (2) and 233j (except sub-sections (1) (c), (4), (5), and (6)) shall be exercised only where it appears to the Food Controller necessary or expedient for the purpose of distributing supplies in a more efficient manner or by reason of any shortage of supplies or of any other special circumstances.

4. The powers of the Food Controller under Regulation 2c shall be exercised only in relation to flour and other mills to which that regulation applies at the time of the passing of this Act.

## CHAPTER 48.

### INDEMNITY ACT, 1920.

An Act to restrict the taking of legal proceedings in respect of certain acts and matters done during the war, and provide in certain cases remedies in substitution therefor, and to validate certain proclamations, orders, licences, ordinances, and other laws issued, made, and passed, and sentences, judgments, and orders of certain courts given and made during the war.

[16th August, 1920.]

Be it enacted, &c. :—

**1. Restrictions on the taking of legal proceedings against persons acting in good faith.**—(1) No action or other legal proceeding whatsoever, whether civil or criminal, shall be instituted in any court of law for or on account of or in respect of any act, matter or thing done, whether within or without His Majesty's dominions, during the war before the passing of this Act, if done in good faith, and done or purported to be done in the execution of his duty or for the defence of the realm or the public safety, or for the enforcement of discipline, or otherwise in the public interest, by a person holding office under or employed in the service of the Crown in any capacity, whether naval, military, air-force, or civil, or by any other person acting under the authority of a person so holding office or so employed; and, if any such proceeding has been instituted whether before or after the passing of this Act, it shall be discharged and made void, subject in the case of a proceeding instituted before the twentieth day of July, nineteen hundred and twenty, to such order as to costs as the court or a judge thereof may think fit to make:

Provided that, except in cases where a claim for payment or compensation can be brought under section two of this Act, this section shall not prevent—

(a) the institution or prosecution of proceedings on behalf of His Majesty or any Government department;

(b) the institution or prosecution of proceedings in respect of any rights under, or alleged breaches of, contract, if the proceedings are instituted within one year from the termination of the war, or the date when the cause of action arose, whichever may be the later;

(c) the institution or prosecution of civil proceedings founded on negligence in respect of damage to person or property elsewhere than in a foreign country;

(d) the institution or prosecution of civil proceedings in respect of damage to person or property in any foreign country, or of the requisitioning of property in any foreign country, if the consent of the Attorney-General (or in Scotland of the Lord Advocate) to the institution or prosecution of the proceedings is obtained, but such consent shall not be given if the person seeking to institute or prosecute the proceeding would have had no remedy if the act complained of had been done in the United Kingdom, or if other provision has been made by treaty or convention for the settlement of claims of the class in question;

(e) the institution or prosecution of proceedings respecting the validity or infringement of a patent.

(2) For the purposes of this section, a petition of right shall be deemed to be a legal proceeding, and the proceeding shall be deemed to be instituted at the date on which the petition is presented.

(3) For the purposes of this section, a certificate by a Government



department that any act, matter, or thing was done under the authority of a person so holding office or so employed as aforesaid, or was done in the execution of a duty, shall be sufficient evidence of such authority or duty and of such act, matter, or thing having been done thereunder, or in execution thereof, and any such act, matter, or thing done by or under the authority of a person so holding office or so employed as aforesaid shall be deemed to have been done in good faith unless the contrary is proved.

(4) Nothing in this section shall prejudice or prevent the institution or prosecution of proceedings for giving effect to a final judgment given before the passing of this Act by any court of final resort or by any other court where the judgment at the passing of this Act is, not then the subject of a pending appeal.

2. *Right to compensation for acts done in pursuance of prerogative and other powers.*—(1) Notwithstanding anything in the foregoing section restricting the right of taking legal proceedings, any person not being a subject of a state which has been at war with His Majesty during the war and not having been a subject of such a state whilst that state was so at war with His Majesty—

(a) being the owner of a ship or vessel which or any cargo space or passenger accommodation in which has been requisitioned at any time during the war in exercise or purported exercise of any prerogative right of His Majesty or of any power under any enactment relating to the defence of the realm, or any regulation or order made or purporting to be made thereunder, shall be entitled to payment or compensation for the use of the same and for services rendered during the employment of the same in Government service, and compensation for loss or damage thereby occasioned; or

(b) who has otherwise incurred or sustained any direct loss or damage by reason of interference with his property or business in the United Kingdom through the exercise or purported exercise, during the war, of any prerogative right of His Majesty or of any power under any enactment relating to the defence of the realm, or any regulation or order made or purporting to be made thereunder, shall be entitled to payment or compensation in respect of such loss or damage;

and such payment or compensation shall be assessed on the principles and by the tribunal hereinafter mentioned, and the decision of that tribunal shall be final:

Provided that—

(i) The provisions as to the statement of a case in any enactment relative to arbitrations shall not apply to any such tribunal, but, if either party feels aggrieved by any direction or determination of the tribunal on any point of law, he may, within the time and in accordance with the conditions prescribed by rules of court, appeal to the Court of Appeal, or as respects Scotland to either division of the Court of Session, and the decision of the Court of Appeal or Court of Session on any such appeal shall, with the leave of that Court but not otherwise, be subject to appeal to the House of Lords;

(ii) Nothing in this section shall confer on any person a right to payment or compensation unless notice of the claim has been given to the tribunal in such form and manner as the tribunal may prescribe within one year from the termination of the war or the date when the transaction giving rise to the claim took place, whichever may be the later.

(2) The payment or compensation shall be assessed in accordance with the following principles:—

(i) Where under any regulation or order made or purporting to be made under any enactment relating to the defence of the realm, any special principle for assessment of any payment (including any price to be paid) or compensation or the rate thereof, is contained in the regulation or order, such payment or compensation shall be assessed in accordance with that principle or rate:

Provided that nothing in this provision shall prevent the tribunal in assessing the payment or compensation from taking into consideration any circumstances which, under the regulation in question, it would have been entitled to take into consideration.

(ii) Where the payment or compensation is claimed under paragraph (a) of sub-section (1) of this section, it shall be assessed in accordance with the principles upon which the Board of Arbitration constituted under the proclamation issued on the third day of August, nineteen hundred and fourteen, has hitherto acted, which principles are set forth in Part I. of the Schedule to this Act.

(iii) In any other case, compensation shall be assessed as follows:—

(a) If the claimant would, apart from this Act, have had a legal right to compensation, the tribunal shall give effect to that right, but in assessing the compensation shall have regard to the amount of the compensation to which, apart from this Act, the claimant would have been legally entitled, and to the existence of a state of war and to all other circumstances relevant to a just assessment of compensation:

Provided that this subsection shall not give any right to payment or compensation for indirect loss.

(b) If the claimant would not have had any such legal right, the compensation shall be assessed in accordance with the principles upon which the Commission appointed by His Majesty under Commissions dated the thirty-first day of March, nineteen hundred and fifteen, and the eighteenth day of December, nineteen hundred and eighteen (commonly known as the Defence of the Realm Losses Commission), has hitherto

acted in cases where no special provision is made as to the assessment of compensation, which principles are set forth in Part II. of the Schedule to this Act.

(3) Where before the fifteenth day of April, nineteen hundred and twenty, any claim for payment or compensation has been made and disposed of by award or agreement, or has been rejected, or any payment (other than a payment expressed to be made on account) has been accepted in respect thereof, no claim for payment or compensation or further payment, or compensation under this section shall be brought without the leave of the tribunal, and the tribunal shall not grant such leave except on proof of a material change of circumstances or new evidence not previously available being adduced.

(4) The tribunal for assessing payment or compensation shall, where by any of the Defence of the Realm Regulations any special tribunal is prescribed, be that tribunal, and in cases where the claim is made under paragraph (a) of subsection (1) of this section be the said Board of Arbitration, and in any other case be the said Defence of the Realm Losses Commission.

(5) A judge of the High Court of Justice, or, in cases where the claim is in respect of interference with property or business in Scotland, a judge of the Court of Session, shall be president of the Defence of the Realm Losses Commission, which Commission shall hereafter be styled and known as the War Compensation Court.

(6) A person may be compelled to attend and give evidence or produce documents in proceedings before the said Board of Arbitration or War Compensation Court in like manner as in proceedings before an arbitrator, and the Board or War Compensation Court shall have power to require any person appearing before them to give evidence on oath and to authorize any person to administer an oath for that purpose, and the Board or Court shall have power to award and assess such sums by way of costs as they in their discretion may think just.

(7) The War Compensation Court may sit in more than one division at the same time, and in any such case anything which may be done to, by, or before the Court may be done to, by, or before any such division of the Court.

3. *Savings.*—Nothing in the foregoing provisions of this Act shall—

(a) affect or apply to proceedings in any prize court as respects any matter within the jurisdiction of the court; or

(b) affect the application of the Defence of the Realm (Acquisition of Land) Act, 1916 (6 & 7 Geo. 5, c. 63), or the Acquisition of Land (Assessment of Compensation) Act, 1919 (9 & 10 Geo. 5, c. 57), or the Corn Production (Amendment) Act, 1918 (8 & 9 Geo. 5, c. 36), in any case where apart from this Act any of those Acts would apply;

(c) affect the application of section sixteen of the Regulation of the Forces Act, 1871 (34 & 35 Vict. c. 86), or of section eight of the Ministry of Transport Act, 1919 (9 & 10 Geo. 5, c. 50).

4. *Validation of customs, proclamations, &c.*—Any proclamation or Order in Council issued or purporting to be issued under section forty-three of the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36), during the war and before the fifteenth day of April, nineteen hundred and twenty, prohibiting or restricting the importation of any goods into the United Kingdom, and any licence granted in pursuance of any such proclamation or order shall be, and shall be deemed always to have been, valid, but nothing in this section shall be construed as rendering valid the continuance in operation after the fifteenth day of April, nineteen hundred and twenty, of any such proclamation or Order in Council.

5. *Validation of sentences.*—Any sentence passed, judgment given, or order made by any military court (other than a court-martial constituted in pursuance of any statute) in connection with the war, or by any court established by the authority administering any territory in the occupation of any of His Majesty's Forces during the war for the administration of justice within such territory, whether passed, given, or made during such occupation, or after such occupation has determined until the court has been abolished or superseded by such lawfully constituted authority as may hereafter be established for the administration of such territory, shall be deemed to be and always to have been valid, and to be and always to have been within the jurisdiction of the court:

Provided that any petition from a person upon whom a sentence has been passed by any such military court shall be submitted to the Judge-Advocate-General for his opinion and report in like manner and in the like cases as if the sentence were a sentence passed by a court-martial under the Army Act.

6. *Validation of laws made in occupied territories.*—All laws, ordinances, proclamations and other legislative acts made, issued, or done by the authority for the time being administering any territory in the military occupation of any of His Majesty's forces during the war for the peace, order, or good government of such territory shall be deemed to be and always to have been valid and of full effect, both during such occupation and after the determination thereof until repealed or superseded by such lawfully constituted legislative authority as may hereafter be established for that territory, notwithstanding that any such legislative act may have repealed or been inconsistent with the law previously in force in such territory.

7. *Short title, extent, and interpretation.*—(1) This Act may be cited as the Indemnity Act, 1920.

(2) His Majesty in Council may, by order, apply this Act to any part of His Majesty's dominions outside the United Kingdom, except the self-governing dominions, that is to say, the Dominion of Canada, the

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Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island), the Dominion of New Zealand, the Union of South Africa and Newfoundland:

Any such Order in Council applying this Act to any part of His Majesty's dominions may apply it subject to such modifications and exceptions as may appear to His Majesty necessary for adapting this Act to the circumstances of that part, and in particular any such Order in Council made in respect of India may validate any laws made for the purposes of the war by the Indian Legislature or the Governor-General, and nothing done under any laws so validated or any rule made thereunder shall be invalid by reason only of the provisions of sub-section (2) of section thirty-two of the Government of India Act, 1915 [5 & 6 Geo. 5, c. 61].

(3) In this Act, "the war" means the war declared against Germany, Austria-Hungary, Turkey, and Bulgaria on the fourth day of August, the twelfth day of August, and fifth day of November, nineteen hundred and fourteen, and the fifteenth day of October, nineteen hundred and fifteen, respectively.

# SCHEDULE.

## [Section 2.]

### PART I.

*Principles on which the Board of Arbitration has hitherto acted.*

The payment or compensation to be awarded for the use of a ship, or vessel, or cargo space, or passenger accommodation therein, and for services rendered shall be based on the rates and conditions contained in the Blue Book reports, or in cases of a class where those rates and conditions have not been applied on some other liberal estimate of the profits which the owner could have made if there had been no war, and shall be assessed without taking into account any increase of market values of tonnage or of rates of hire due to the war, together with, in cases where damage to or loss of the ship or vessel directly due to such use has occurred, a sum by way of compensation in respect of such loss or damage, so, however, that nothing shall be awarded for any other damage or loss incidentally caused to the owner or to other persons.

For the purposes of this Part of this Schedule, the expression "Blue Book reports" means the reports as to rates and conditions published in October, nineteen hundred and fourteen, by the sub-committee of the Board of Arbitration, subject to such increases or modifications thereof as may have been agreed to before the first day of January, nineteen hundred and twenty.

### PART II.

*Principles on which the Defence of the Realm Losses Commission has hitherto acted.*

The compensation to be awarded shall be assessed by taking into account only the direct loss and damage suffered by the claimant by reason of direct and particular interference with his property or business, and nothing shall be included in respect of any loss or damage due to or arising through the enforcement of any order or regulation of general or local application, or in respect of any loss or damage due simply and solely to the existence of a state of war, or to the general conditions prevailing in the locality, or to action taken upon grounds arising out of the conduct of the claimant himself rendering it necessary for public security that his legal rights should be infringed, or in respect of loss of mere pleasure or amenity.

## CHAPTER 49.

### BLIND PERSONS ACT, 1920.

An Act to promote the Welfare of Blind Persons.

[16th August, 1920.]

Be it enacted, &c.:—

1. *Pensions for blind persons over 50.*—Every blind person who has attained the age of fifty shall be entitled to receive and to continue to receive such pension as, under the Old Age Pensions Acts, 1908 to 1919, he would be entitled to receive if he had attained the age of seventy, and the provisions of those Acts (including the provisions as to expenses, but excluding the provisions of sub-section (2) of section ten of the Old Age Pensions Act, 1908 [8 Ed. 7, c. 40], relating to the giving of notices by registrars of births and deaths) shall apply in all respects to such persons as if for the first statutory condition there were substituted a condition that the person must have attained the age of fifty, and be so blind as to be unable to perform any work for which eyesight is essential, and as if for references to "seventy" and "fifty" there were respectively substituted references to "fifty" and "thirty."

2. *Power of local authorities to promote welfare of blind persons.*—(1) It shall be the duty of the council of every county and every county borough, whether in combination with any other council or councils or otherwise, to make arrangements to the satisfaction of the Minister of Health for promoting the welfare of blind persons ordinarily resident within their area, and such council may for this purpose provide and maintain or contribute towards the provision and maintenance of workshops, hostels, homes, or other places for the reception of blind persons whether within or without their area and, with the approval of the Minister of Health, do such other things as may appear to them desirable for the purpose aforesaid. The Council shall, within twelve months after the passing of this Act, prepare and submit to the Minister of Health a scheme for the exercise of their powers under this section.

(2) The expenses incurred by a council under this section shall be defrayed in the case of a county council out of the county fund as expenses for general county purposes and in the case of a county borough council out of the borough fund or borough rate.

(3) A council may borrow for the purposes of this section in the case of a county council in accordance with the Local Government Act, 1888 [51 & 52 Vict. c. 41], and in the case of a county borough council, in accordance with the Public Health Acts, 1875 to 1906, but the money so borrowed by the council of a county borough shall be borrowed on the security of the borough fund or borough rate, and money borrowed for the purposes of this section shall not be reckoned as part of the debt of the council for the purposes of any provision limiting the powers of borrowing by the council.

(4) A council may exercise any of the powers conferred by this section (other than the power of raising a rate or of borrowing money) through a committee of the council, and may appoint as members of the committee persons specially qualified by training or experience in matters relating to the blind who are not members of the council, but not less than two-thirds of the members of every such committee shall consist of members of the council, and a committee established under this section may, subject to any direction of the council, appoint such and so many sub-committees consisting either or partly of members of the committee, as the committee thinks fit.

(5) This section shall apply to the City of London as if it were a county borough and the common council were the council of a county borough, and any expenses of the common council under this section shall be defrayed out of the general rate.

(6) Nothing in this section shall affect the powers and duties of local education authorities under the Elementary Education (Blind and Deaf Children) Act, 1893 [56 & 57 Vict. c. 42], or the Education Acts, 1870 to 1919, and local education authorities in the exercise of their duty to contribute to the establishment of a national system of public education available for all persons capable of profiting thereby shall make or otherwise secure adequate and suitable provision for the technical education of blind persons ordinarily resident in their area who are capable of receiving and being benefited by such education.

(7) For the purpose of this section, a blind person who becomes an inmate of an institution for the blind after the commencement of this Act shall be deemed to continue to be ordinarily resident in the area in which he was ordinarily resident before he came an inmate of such institution.

3. *Charities for the blind.*—(1) The War Charities Act, 1916 [6 & 7 Geo. 5, c. 43], shall apply to charities for the blind as if were herein re-enacted and in terms made applicable to such charities, subject, however, to the following modifications:—

(a) The registration authority shall, as respects the City of London, be the common council of the City of London, and elsewhere the county council or county borough council;

(b) Notwithstanding anything in sub-section (3) of section two of the Act, the registration authority may refuse to register a charity if they are satisfied that its objects are adequately attained by a charity registered under the Act;

(c) Notwithstanding anything in section four of the Act, the fee payable on registration of a charity may exceed ten shillings, but shall not exceed two guineas;

(d) Regulations made by the Charity Commissioners under section four of the Act, shall be subject to the approval of the Minister of Health instead of a Secretary of State;

(e) Where a charity is removed from the register, the Charity Commissioners may exercise, in relation to the charity, any powers which they are authorised by section six of the Act to exercise in relation to charities registered under the Act for the purposes of an appeal thereunder; and

(f) Where any of the conditions mentioned in section three of the Act are not complied with in respect of any registered charity, any person who, by regulations made under section four of the Act, may be made responsible for the observance of those conditions shall be guilty of an offence against the Act.

(2) Regulations may be made by the Charity Commissioners subject to the approval of the Minister of Health for providing that in the case of any charities for the blind which have, before the passing of this Act, been registered under the War Charities Act, 1916 [6 & 7 Geo. 5, c. 43], the registration under that Act shall have effect as registration by the appropriate registration authority under his Act and for making such consequential provisions as may be necessary for that purpose.

(3) In this section "charity for the blind" means any fund, institution or association (whether established before or after the commencement of this Act) having or professing to have for its object or for one of its objects the provision of assistance in any form to blind persons or any other charitable purpose relating to blind persons, but shall not include any fund, institution or association where any such object as aforesaid is subsidiary only to the principal purposes of the charity.

4. *Application to Scotland and Ireland.*—(1) This Act shall apply to Scotland subject to the following modifications:—

(a) Sub-sections (2) and (3) of section two and paragraphs (d) and (e) of sub-section (1) of section three shall not apply;



(b) The following sub-section shall be substituted for sub-section (6) of section two—

(6) Education Authorities under the Education (Scotland) Act, 1918 [8 & 9 Geo. 5, c. 48], shall make or otherwise secure adequate and suitable provision for the technical education of blind persons ordinarily resident in their areas who are capable of receiving and being benefited by such education.

(c) The expression "county borough" has the meaning assigned thereto in section one hundred and thirty-two of the Children Act, 1908 [8 Ed. 7, c. 67], and the provisions of sub-section (21) of that section so far as applicable to county and town councils shall apply for the purposes of this Act with the substitution of references to this Act for references to the Children Act, 1908, or any section thereof;

(d) References to the Minister of Health and to the Charity Commissioners shall be construed as references to the Scottish Board of Health.

(2) This Act shall apply to Ireland subject to the following modifications—

(a) References to the Minister of Health shall be construed as references to the Local Government Board for Ireland;

(b) The expenses incurred by a council under this Act shall be defrayed out of the poor rate, and in the case of a county council shall be raised as a county at large charge, and a council may borrow for the purposes of this Act under Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898.

5. *Short title and commencement.*—This Act may be cited as the Blind Persons Act, 1920, and shall come into operation on the tenth day of September, nineteen hundred and twenty.

## CHAPTER 50.

### MINING INDUSTRY ACT, 1920.

An Act to provide for the better administration of mines, and to regulate the coal industry, and for other purposes connected with the mining industry and the persons employed therein.

[16th August, 1920.]

## CHAPTER 51.

### DUCHY OF LANCASTER ACT, 1920.

An Act to make provision with respect to the administration of the estates of the Duchy of Lancaster, and with respect to the solicitor for the affairs of the said Duchy.

[16th August, 1920.]

Be it enacted, &c. :—

1. *Extension of powers of investment of funds of the Duchy of Lancaster.*—Any funds for the time being belonging to the Duchy of Lancaster may, notwithstanding anything in the Duchy of Lancaster (Lands) Act, 1855 [18 & 19 Vict. c. 58], whether in a state of investment or not, be invested in any of investments specified in paragraph (a) of section one of the Trustee Act, 1893 [56 & 57 Vict. c. 53], and any enactment amending or extending that paragraph and any investments made in pursuance of this section shall be made in the names of at least three persons to be nominated by the chancellor and council of the said Duchy upon such trusts and in such manner as may be directed by the said chancellor and council.

2. *Mining leases.*—(1) The chancellor and council of the Duchy of Lancaster shall, notwithstanding anything in the Crown Lands Act, 1702 [1 Anne, c. 1], or in any other enactment, have power to grant mining leases for a term of years not exceeding ninety-nine years.

(2) The powers conferred by this section shall be in addition to and not in derogation of any other powers of the said chancellor and council.

(3) In this section the expression "mining lease" means a lease for any purpose connected with mining, and includes a grant or licence for any such mining purpose.

3. *Provisions as to the Duchy solicitor.*—(1) The person for the time being holding office of solicitor for the affairs of the Duchy of Lancaster (in this Act referred to as "the Duchy solicitor") shall be a corporation sole by the name of "The solicitor for the affairs of the Duchy of Lancaster," and by that name shall have perpetual succession with a capacity to acquire and hold in that name real and personal property of every description, to execute deeds, using an official seal, to enter into engagements binding on himself and his successors in office, and to do any other acts necessary or expedient to be done in the execution of the duties of his office.

(2) Any document purporting to be sealed with the said official seal shall be receivable in evidence of the particulars stated in that document.

(3) Where, by reason of His Majesty having become entitled in right of the Duchy of Lancaster to the personal estate of an intestate or otherwise, any court has power to grant administration of the personal estate of any deceased person to a nominee of His Majesty, sections two, six and seven of the Treasury Solicitor Act, 1876 [39 & 40 Vict., c. 18], shall apply as if herein re-enacted and in terms made applicable to this Act, and to the Duchy solicitor, and to property to which His Majesty is entitled in right of the Duchy of Lancaster.

(4) An assistant solicitor for the affairs of the Duchy of Lancaster may, on behalf of the Duchy solicitor, do all such things as an assistant

solicitor for the affairs of His Majesty's Treasury is authorised by section three of the Act aforesaid to do on behalf of the Treasury solicitor, and that section, with the necessary adaptations, shall apply accordingly.

4. *Short title, construction and repeals.*—(1) This Act may be cited as the Duchy of Lancaster Act, 1920, and shall be construed as one with the Duchy of Lancaster Lands Act, 1855.

(2) The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

## SCHEDULE.

### [Section 4.]

#### Enactments Repealed.

Session and Chapter.	Title.	Extent of Repeal.
15 & 16 Vict. c. 3.	An Act to provide for the administration of the personal estate of intestates and others, to which Her Majesty may be entitled in right of Her prerogative or in right of Her Duchy of Lancaster.	So much of the Act as is re-enacted by proviso (1) to section nine of the Treasury Solicitor Act, 1876.
39 & 40 Vict. c. 18.	The Treasury Solicitor Act, 1876.	Proviso (1) of section nine.

## CHAPTER 52.

### READY MONEY FOOTBALL BETTING ACT, 1920.

An Act to prevent the writing, publishing, or circulating in the United Kingdom of Advertisements, Circulars, or Coupons of any Ready Money Football Betting Business.

[16th August, 1920.]

Be it enacted, &c. :—

1. *Penalties.*—Any person who in the United Kingdom writes, prints, publishes, or knowingly circulates any advertisement, circular, or coupon of any ready money football betting business, whether such business is carried on in the United Kingdom or elsewhere, or who knowingly causes or procures, or attempts to cause or procure, any of those things to be done, or knowingly assists therein, shall be liable on summary conviction to a fine not exceeding twenty-five pounds or, in default of payment, imprisonment for not exceeding one month, or, in case of a second or subsequent conviction, to a fine not exceeding one hundred pounds or imprisonment for not exceeding three months.

2. *Definition.*—"Ready money football betting business" shall mean any business or agency for the making of ready money bets or wagers, or for the receipt of any money or valuable thing as the consideration for a bet or wager in connection with any football game.

3. *Application to Scotland.*—In Scotland "indictment" has the same meaning as in the Criminal Procedure (Scotland) Act, 1887 [50 & 51 Vict. c. 35]; and, in the event of an offender failing to make payment of a fine imposed under section one of this Act, he shall be liable to imprisonment in accordance with the provisions of the Summary Jurisdiction Acts.

An offence prosecuted summarily under this Act may be tried before the sheriff or before any magistrate of any royal, parliamentary, or police burgh officiating under the provisions of any local or general Police Act.

4. *Application to Ireland.*—In Ireland where, in pursuance of this Act, an order is made by a court of summary jurisdiction for a term of imprisonment not exceeding one month without the option of a fine, the party against whom the order is made shall be entitled to appeal in like manner as if the term of imprisonment exceeded one month.

5. *Short title and commencement.*—This Act shall come into operation on the second day of August, one thousand nine hundred and twenty, and may be cited as the Ready Money Football Betting Act, 1920.

## CHAPTER 53.

### JURORS (ENROLMENT OF WOMEN) (SCOTLAND) ACT, 1920.

An Act to provide for the Qualification of and manner of enrolling Women as Jurors in Scotland.

[16th August, 1920.]

## CHAPTER 54.

### SEEDS ACT, 1920.

An Act to amend the Law with respect to the Sale and Use of Seeds for sowing and of Seed Potatoes and to provide for the testing thereof.

[16th August, 1920.]

Be it enacted, &c. :—

1. *Delivery of particulars on sale of seeds and seed potatoes.*—(1) Every person who sells any seeds to which this Act applies or any seed

potatoes, shall, on or before the sale, or if the goods are not delivered at the time of sale on or before delivery thereof, deliver to the purchaser a statement in writing containing the prescribed particulars with respect, in the case of seeds, to their variety, purity and germination, and in the case of seed potatoes, to their class, variety, size and dressing and, in either case, to any other prescribed matters.

(2) Every person who exposes for sale any seeds to which this Act applies, or any seed potatoes, shall cause to be displayed conspicuously on or in close proximity to the seeds or potatoes, as the case may be, a statement in writing containing such particulars as are required to be contained in the statement to be delivered under this section to a purchaser.

(3) The statement required to be delivered under this section to a purchaser shall be contained in a sale note or invoice or be attached to, inserted in, or written on, the package containing the seeds, or seed potatoes, as the case may be.

(4) For the purposes of this section, a statement in writing referring specifically to a printed price list or printed catalogue containing the prescribed particulars shall be deemed to contain those particulars.

(5) The particulars to be contained in a statement to be delivered under this section to a purchaser of seeds shall, so far as they are particulars relating to the purity and germination of the seeds, be particulars ascertained on a test of those seeds made in accordance with the provisions of this Act.

(6) Every statement relating to seeds which is delivered or displayed under this section must specify that the seeds have been tested in accordance with the provisions of this Act.

(7) The Minister may, by licence granted subject to and in accordance with regulations made under this Act, exempt any person as respects any sale or any exposure for sale of seeds or seed potatoes from compliance with the requirements of this section, and any such exemption may be granted either absolutely or subject to compliance with any conditions specified in the licence.

**2. Provisions as to tests.**—(1) A test of seeds for the purpose of the preceding section shall, in the case of seeds other than garden seeds, be made either at one of the official seed-testing stations established under this Act or at some testing station licensed by the Minister, and, in the case of garden seeds, be made either as aforesaid or in any other sufficient manner.

(2) Where seeds are sold or delivered or exposed for sale at any time other than some time within the months of August or September, a test for the purpose of the preceding section shall be a test made not earlier than the first day of the month of August last preceding, and, where seeds are sold or delivered or exposed for sale at any time within the months of August or September, the test shall be a test made not earlier than the first day of the month of August in the previous year.

**3. Prohibition of sale or use of seeds containing injurious weed seeds.**—It shall not be lawful for any person to sell or expose for sale or knowingly to sow any seeds, being seeds to which this Act applies, which contain more than the prescribed percentage of the seeds of any prescribed injurious weeds.

**4. Power to enter and take samples.**—(1) Any person, whether an officer of the Ministry or not, duly authorized by the Minister in that behalf may, upon production if so required of his authority, at all reasonable hours, enter any premises where seeds to which this Act applies or seed potatoes are sold or exposed for sale or stored for purposes of sale without further recleaning, blending, or grading, and may without payment take samples of the seeds or seed potatoes for testing, and the owner thereof shall on demand deliver to the person taking the samples a statement containing such particulars with respect thereto as are required to be contained in the statement to be delivered upon a sale of seeds or seed potatoes as the case may be, under this Act.

(2) A person taking a sample of seeds under this section shall divide the sample into two parts and shall cause each part to be marked, sealed, and fastened up, and shall deliver or tender one part to the owner of the seeds and shall deliver or send by post to the chief officer of the official testing station the other part of the sample for the purpose of its being there tested.

(3) A certificate in the prescribed form of the result of any test of a sample sent to the official testing station under this section shall be issued in the prescribed manner, and a copy of every certificate so issued shall, as soon as it has been issued, be sent to the owner of the seeds.

(4) Every certificate issued as aforesaid shall, in any proceedings against the owner of the seeds, be conclusive evidence of the facts stated in the certificate unless the owner within fourteen days from the date on which the copy is received by him gives notice in writing to the chief officer at the official testing station requiring that further portions of the sample should be tested both at that testing station and at some other official testing station.

(5) Where any seeds of which a sample has been tested under this section were purchased by the owner thereof from any other person, and it appears to the Minister from the certificate of the result of the test that the seeds in some material respect fail to correspond with the particulars contained in the statement delivered to the owner under this Act on the sale to him of the seeds, the owner shall, on application in writing made to him in that behalf by the Minister at any time after the test has been completed, furnish to the Minister the name and address of the person from whom he purchased the seeds, together

with a copy of the statement so delivered, and the Minister shall, on being furnished with the said name and address, cause to be sent to the seller in a sealed packet a part of the sample of the seeds, together with a copy of the certificate, and the certificate shall, in any proceedings against the seller, be conclusive evidence of the facts stated in the certificate.

Provided that, where the sample has not been tested at two official testing stations, the seller shall have the same right as the owner to require that further portions of the sample shall be so tested.

(6) Where further portions of a sample are tested in pursuance of the foregoing provisions of this section and the certificates issued by the two official testing stations differ, the average of the results of the two tests shall be deemed the result of the test within the meaning of this Act, and a certificate by the Minister as to the average of the results of the two tests shall be conclusive evidence of the facts stated in the certificate.

**5. Exemptions.**—This Act shall not apply—

(a) to a sale of seeds to a person purporting to purchase them with a view to cleaning them before they are sold or exposed for sale; or

(b) to a sale of seeds where the purchaser at the time of the sale gives to the seller an undertaking in writing that he will before selling or exposing the seeds for sale test or cause them to be tested, or that he will not resell the seeds to a seed merchant except on a similar undertaking by the purchaser; or

(c) to a sale of seeds or seed potatoes for delivery outside the United Kingdom; or

(d) to a sale or exposure for sale of seeds or seed potatoes not to be used for sowing or planting.

**6. Presumption of correctness of statement for purposes of civil proceedings.**—(1) For the purpose of any legal proceedings on a contract for the sale of seeds, being a sale to which this Act applies, the particulars contained in the statement delivered in pursuance of this Act on the sale shall be deemed to be true unless it is made to appear on a test made subject to the provisions of this section that the particulars were untrue and, in the case of particulars relating to purity or germination, that the actual percentage of purity or germination differs from the percentage appearing in the particulars by more than the prescribed limit of variation.

(2) If the purchaser of any seeds desires that a test thereof should be made for the purposes of this section, he may, at any time within ten days of the date of the delivery thereof to him, take a sample thereof at the place at which the seeds were delivered, whether his own premises or elsewhere, and shall divide the sample so taken into two parts, of which one part shall be sent to the chief officer of the official testing station for the purpose of being there tested, and the other part shall be delivered or tendered to the seller.

**7. Regulations.**—(1) The Minister may, after consultation with representatives of the interests concerned (and, as respects forest tree seeds, after consultation also with the Forestry Commissioners), make regulations generally for the purpose of carrying this Act into effect and in particular and without prejudice to the generality of the foregoing provisions for prescribing—

(a) the seeds, whether agricultural, vegetable or forest tree, to which this Act is to apply;

(b) the manner in which samples are to be taken and dealt with;

(c) any matter which under this Act is to be prescribed.

(2) Every regulations made under this Act shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent thirty days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

**8. Penalties.**—(1) If any person—

(a) fails to comply with or acts in contravention of any provision of this Act or any undertaking given by him under this Act or any condition attached to any exemption granted under this Act; or

(b) makes or causes to be made any statement required to be delivered or displayed under this Act which is false in any material particular;

he shall, without prejudice to any civil liability, be liable on summary conviction to a fine not exceeding in the case of a first offence five pounds, and in the case of a second or subsequent offence ten pounds.

(2) A person shall not be liable to be convicted on a charge of making or causing to be made a statement which is false in any material particular, if he proves that the particulars alleged to be false were particulars ascertained on a test made in accordance with the provisions of this Act of a sample of the seeds with respect to which the statement was made, or in a case where the particulars alleged to be false are particulars relating to the purity or germination of the seeds, that the actual percentage of purity or germination does not differ from the percentage specified in the statement by more than the prescribed limit of variation.

**9. Penalties for obstruction.**—If any person obstructs or impedes in the execution of his duties under this Act any person authorized to enter any premises for the purposes of this Act, he shall be liable on summary conviction to a fine not exceeding in the case of a first offence five pounds, and in the case of a second or subsequent offence ten pounds.



**10. Penalty for tampering.**—If any person—

(a) tampers with any seeds or seed potatoes so as to procure that any sample taken under this Act does not correctly represent the bulk of the seeds or seed potatoes; or  
 (b) otherwise tampers with any sample taken under this Act; or  
 (c) with intent to deceive sends or causes or allows to be sent to any testing station or person, to be tested for the purpose of this Act, a sample of seeds which to his knowledge does not correctly represent the bulk of the seeds;  
 he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding six months.

**11. Legal proceedings.**—(1) Proceedings for an offence under this Act shall be instituted only by the Minister.

(2) For the purpose of any proceedings for an offence under this Act, the offence may be treated as having been committed either at the place at which it was actually committed or at the place in which the person charged with the offence is for the time being resident, and every court of summary jurisdiction shall have power to hear and determine proceedings for any such offence accordingly.

**12. Establishment of official seed-testing stations.**—(1) Subject to the provisions of this section, the Minister, the Board of Agriculture for Scotland, and the Department of Agriculture and Technical Instruction for Ireland (in this section referred to as "the Agricultural Departments") shall, either alone or in conjunction with any other bodies or persons, establish and maintain official seed-testing stations for England and Wales, Scotland, and Ireland respectively:

Provided that the Agricultural Departments or the Agricultural Departments for any two parts of the United Kingdom may, if they think fit, unite in establishing and maintaining, on such terms as may be agreed between them, a common official seed-testing station for the whole of the United Kingdom or for those two parts, as the case may be, and in the event of a common official testing station being established for the whole of the United Kingdom this Act shall have effect as though the provisions thereof enabling a person to require a further test at a second official testing station were omitted therefrom.

(2) In this Act the expression "the official testing station" means as respects any part of the United Kingdom the official seed-testing station established and maintained for that part of the United Kingdom, whether alone or in common with some other part or the other parts of the United Kingdom.

**13. Expenses.**—Any expenses incurred by the Minister, the Board of Agriculture for Scotland, or the Department of Agriculture and Technical Instruction for Ireland, in carrying this Act into execution shall, up to an amount approved by the Treasury, be defrayed out of moneys provided by Parliament.

**14. Interpretation.**—In this Act, unless the context otherwise requires—

The expression "the Minister" means the Minister of Agriculture and Fisheries, and the expression "the Ministry" means the Ministry of Agriculture and Fisheries;

The expression "owner" in relation to seeds or seed potatoes includes any person having possession thereof.

**15. Application to Scotland.**—This Act in its application to Scotland shall have effect subject to the following modifications:—

(a) References to "the Minister" and "the Ministry" shall, unless the context otherwise requires, be construed as references to the Board of Agriculture for Scotland:

(b) Proceedings for an offence under this Act may be instituted either by the Board of Agriculture for Scotland or by the Procurator-Fiscal.

**16. Application to Ireland.**—This Act in its application to Ireland shall have effect subject to the following modifications:—

(a) The provisions of this Act relating to the exposure for sale of seeds and seed potatoes (other than provisions prohibiting the exposure for sale of seeds containing more than the prescribed percentage of the seeds of any prescribed injurious weeds) shall not apply:

(b) The provisions of this Act relating to the sale of seeds and seed potatoes (other than provisions prohibiting the sale of seeds containing more than the prescribed percentage of the seeds of any prescribed injurious weeds) shall not apply as respect any sale which is completed by the acceptance in Ireland of an offer made in Ireland:

Provided that an offer made or accepted in Ireland by a person acting as agent for a disclosed principal in Great Britain shall not be treated for the purposes of this provision as an offer made or accepted in Ireland:

(c) The provisions of this Act relating to the sowing of seeds containing more than the prescribed percentage of the seeds of any prescribed injurious weed shall not apply:

(d) References to "the Minister" and "the Ministry" shall, unless the context otherwise requires, be construed as references to the Department of Agriculture and Technical Instruction for Ireland.

**17. Short title and commencement.**—(1) This Act may be cited as the Seeds Act, 1920.

(2) This Act shall come into operation on the first day of August, nineteen hundred and twenty-one.

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